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ABSTRACT

Highlights from the quarterly conference of the Bureau of Indian Affairs' (BIA) Chief Area Education Officers meeting (held in Las Vegas, Nevada on October 14-16, 1975) are presented in this conference report. Included in the report are: (1) a participant list; (2) reports from each of the 10 Area Offices; (3) the conference agenda; (4) a speech ("Federal Responsibility in the Field of Education" by Barry Berkson); (5) Johnson-O'Malley (JOM) educational assistance (justification for budget line item name change; education contracts under the JOM Act including need for increase, situation and need, program goals, program description, program accomplishments, and 1972 and 1975 contract statistics with a statistical description of enrollments and appropriations from 1972-77); (6) BIA Manual proposed release, "Types of Schools" (policy, authority, Federally-operated schools, tribal schools, public schools, sectarian schools, and assumption of Federal responsibility); (7) distribution formula for supplemental education programs under the JOM Act: 1976 (state, per capita expenditure, factor, number of students served, number of weighted students, supplemental allocation); (8) "Young Native American Children and Their Families: Educational Needs Assessment and Program Recommendations", an interim report by the Research Division: Bank Street College of Education; (8) conference recommendations. (JC)

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RESEARCH AND EVALUATION REPORT SERIES NO. 34.02

BIA CHIEF AREA OFFICE EDUCATION OFFICERS' QUARTERLY CONFERENCE

HELD AT

LAS VEGAS, NEVADA

OCTOBER 14-16, 1975

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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JANUARY 1976

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JANUARY 1976

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INTRODUCTION

The quarterly conference of the Chief Area Education Officers was held in Las Vegas, Nevada on October 14-16, 1975. The Phoenix Area Office was the official host for this conference.

Each topic submitted for the agenda for this conference was discussed extensively. The highlights of this meeting are presented in this report. It is hoped that the information contained herein will be helpful to each of the participants.

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Participants at Las Vegas Conference

Dr. Noah Allen, Acting Director, Office of Indian Education Programs, Washington, D.C.
Dr. William J. Benham, Administrator, I.E.R.C., Albuquerque, New Mexico
Dr. Henry Rosenbluth, Acting Deputy Administrator, I.E.R.C., Albu querque, New Mexico
Dr. Thomas R. Hopkins, Chief, Division of Evaluation, Research, and Development, I.E.R.C., Albuquerque, New Mexico
Dr. Robert Hall, Chief, Division of Continuing Education, I.E.R.C. Albuquerque, New Mexico
Mr. John Carmody, Chief, Division of School Facilities, I.E.R.C., Albuquerque, New Mexico
Mr. Charles Richmond, Education Specialist (JOM), I.E.R.C., Albuquerque, New Mexico
Mr. Jon Wade, Chief, Division of Educational Assistance, I.E.R.C., Albuquerque, New Mexico
Mr. Paul Sward, Education Specialist, I.E.R.C., Division of Evaluation, Research, and Development, Albuquerque, New Mexico
Mr. Jim Bearghost, Acting Chief, Division of Internal Services, Washington, D.C.
Mr. Harry Eaglebull, Assistant Area Director, Aberdeen Area Office
Ms. Juanita Cata, Assistant Area Director, Albuquerque Area Office
Mr. Dan Sahmaunt, Assistant Area Director, Anadarko Area Office
Mr. Carl Vance, Assistant Area Director, Billings Area Office
Mr. Emil Kowalczyk, Assistant Area Director, Juneau Area Office
Mr. Paul Melchoir, Assistant Area Director, Minneapolis Area Office
Mr. Ed Moore, Assistant Area Director, Muskogee Area Office
Mr. Ernest Magnuson, Acting Assistant Area Director, Navajo Area Office
Mr. Ray Sorensen, Assistant Area Director, Phoenix Area Office
Dr. Roy Stern, Assistant Area Director, Portland Area Office
Mr. Spencer Sahmaunt, BIA Scholarship Officer, Portland Area Office
Ms. Louise Miller, Assistant Area Director, Sacramento Area Office
Mr. Jim Freelon, Assistant Area Director, Eastern Area Office

Observers:

Dr. Eugene Leitka, Education Specialist, I.E.R.C., Division of Evaluation, Research, and Development, Albuquerque, New Mexico
Mr. Roger Boyd, Policy Planning Office, Washington, D.C.
Mr. Leroy Clifford, Policy Planning Office, Washington, D.C.
Mr. Jerry Tuckwin, Physical Education Instructor, Haskell Indian Junior College, Lawrence, Kansas
Mrs. Gayle Roulain, Central California Agency, Sacramento, California
Mr. George Scott, representing Dr. Gabe Paxton, Chief, Division of Professional Relations, Washington, D.C.

ABERDEEN AREA

A. The Office of Educational Services at the Area level has had a rather large turnover of personnel within the past year with transfers and the recent retirement of Mr. Schmidt. Currently, we have two positions being advertised for in the area of Adult Education Opportunities and one position to work with the Public School Assistance Program. We anticipate that we will shortly be recruiting for an education specialist for the Federal Programs Office. We are looking forward to again having a full staff.

B. School Operations

1. Student Enrollment System: All BIA and BIA contract schools have been orientated to Phase I of SES. All schools have received information on Phase II. Requests for further instructions from the field on SES is resulting in on-site visits. Several schools have requested detailed information on forms and procedures. We are hoping that SES can be utilized wherever possible in the PPE process, thus reducing the workload of PPE in the field.

2. Privacy Act of 1974: The interim guidelines governing student records have been sent to all BIA and BIA contract schools. Only a few questions have been received from the field in regard to student records and information, mainly in the areas of directory information and transcripts.

   The Interim Instructions on the Implementation of the Privacy Act-Access and Disclosure from the Bureau were sent to all superintendents. As feedback comes in from the field, issue statements are being prepared for the Central Office's clarification. A committee is being formed in the area office to review all record systems for conformity to the Privacy and Freedom of Information Acts.

3. Presidential/Secretarial Objectives: The Presidential/Secretarial Training Package has been presented to all BIA school administrators, tribal groups and tribal school boards in the area. Some agencies were given a second presentation at their request.

4. Curriculum Development Center: Thus far, two textbooks of a proposed five textbook series on the Art and Indian Children of the Sioux have been produced. Textbook number three should be finished shortly and books four and five are in the research stage. It is planned to have teacher manuals, slides, and posters to accompany each textbook.

5. Johnson O'Malley: Four tribal groups, three Indian corporations, one school district = contracts.

C. Federal Programs

The staff of the Area Federal Programs Office has been busy conducting on-site technical assistance visits. A Title I workshop was held in mid-September for project coordinators, bookkeepers and Education Program Administrators. The workshop dealt with project implementation. A workshop is being held this week for parent council members.

The ESEA are being administered as follows:

a. Contracts - Title I

1. 15 tribal or Indian corporations

2. 5 Indian controlled school boards

3. 2 colleges

b. Three (3) Bureau-operated

D. Adult Education Opportunities:

Much of the services under this office are delivered through contracts.

1. Adult Education: The adult education programs in the area are administered through nine contracts with tribal groups, four contracts with local community colleges, two BIA administered.

2. Agricultural Extension: Agricultural extension and home economic services are delivered to the reservation areas through the following contracts:

   a. Two state universities.

   b. Two community colleges

   c. Four local tribal groups

3. Higher Education: The higher education program is administered three different ways. There are three tribal contracts, five BIA agency administered programs, and the Area Office administers the program for the remaining seven tribes. The program also has a contract with Lakota Higher Education Center at Pine Ridge and Sinte Gleska at Rosebud, South Dakota and a contract with a state college for a college counselor.

   To date a total of 1897 students have been funded out of a total of 2674 applications received.

ALBUQUERQUE AREA
October 14, 1975

Reorganizations have been completed at Albuquerque Indian School and the Institute of American Indian Arts. Some of their programs have not been fully implemented yet because of difficulties in hiring new staff. Current enrollment at AIS is 375 and at IAIA is 252.

Enrollment at Southwestern Indian Polytechnic Institute for the fall quarter is now at 483. Most classes are still open. We have been requested to remind the other areas that SIPI is on an open enrollment policy, meaning that students may enroll at any time during the year and do not need to wait until the beginning of a new quarter.

Total day school enrollments appear to have stabilized.

At an education administrators meeting held September 30 - October 2, the entire Division entered into a year-long accountability project. A steering committee to work on the assessment of academic achievement has been identified and we are in the process of identifying another group to study Area progress in meeting the social and emotional needs of our students. Several sub-objectives were also identified including 1) evaluate our early-childhood programs (already completed with the aid of Mariana Jessen) 2) the need for a workshop on how to interpret and use test scores 3) the need to accurately assess dropout rates 4) the need to assess the effectiveness of higher education counseling programs 5) the need to assess adult education accomplishments 6) the need to identify the extent of handicapped students and the kind of services they are receiving (under contract with the All Indian Pueblo Council, Inc.) and 7) the need to plot charts indicating the achievement levels of public school students.

Another Area-wide project receiving attention is a growing interest by tribal groups in exploring the concept of community education. It appears there may be a possibility of receiving funds from the MOTT Foundation to help pursue this interest.

One area of concern that we have been working on with the Navajo Area Office is the enrollment of students across Area lines. We are especially concerned about the situation at the Ignacio Dormitory where approximately 80% of the current enrollment is comprised of Navajo students.

At Ramah, the tribe has requested to contract the dormitory operation as of January 1, 1976. A problem involving attendance boundaries is also present here.

ANADARKO AREA

Anadarko Area Office administers three secondary schools, one elementary school, and one junior college. It also administers Johnson O'Malley Programs for public schools in Western Oklahoma and two public schools in Kansas.

Johnson O'Malley: In the school year 1975-76, we will be working with 45 public schools in Oklahoma and two public schools in Kansas. Contracts have been made with 45 schools. Two contracts have been made with Community Indian Education Committees who have incorporated for that purpose. 4400 Indian students are presently being served under the 47 contracts which have been negotiated. This is the second year that Johnson O'Malley contracts have been administered out of the Anadarko Area Office.

Title I Programs: Allocations for the school year 1975-76 are as follow:

School	Money	Students
Chilocco Indian School	$ 85,640	220
Concho Indian School	83,690	215
Riverside Indian School	89,910	231
Fort Sill Indian School	77,860	200
Sub-Total:	$337,100	866
Area Tech.	35,623	
Grand Total:	$372,723	

NIEA Convention: Final planning is underway by the Oklahoma Convention Facilitating Committee to host the 7th Annual NIEA Convention at the Myriad Convention Center, Oklahoma City, Oklahoma in November. (A poster is available as a handout) Please notify all interested Indian people involved in Indian Education of the Convention and urge them to attend. Pre-registration fee is $15 and on-site registration is $20.

Area Office: On August 7, 1975, the Commissioner of Indian Affairs approved the new plan of organization for the Anadarko Area Office as reflected in the new organization chart. Copies of the new chart have been furnished to all employees. Dr. Aaron Dry is serving as the Area Coordinator and as the Area Director's immediate representative during the transition phase of the reorganization.

Initial enrollments and opening dates of school are provided below:

School	Opening Date	Initial Enrollment
Haskell Indian Junior College	9/04/75	1186
Chilocco Indian School	8/18/75	269
Riverside Indian School	8/18/75	218
Fort Sill Indian School	8/25/75	250
Concho Indian School	8/25/75	243
Authorized 2200	Actual	2166

BIA-OEA Luncheon - On October 24, 1975, the Riverside Indian School staff will host the annual BIA-OEA Luncheon at the Holiday Inn, N.W., Oklahoma City.

Chilocco Indian School - In the school year 1975-76, Chilocco will be involved in a year-around school program. (See attached brochure) Four quarters being: 1/12/76; 4/1/76; 7/9/76; and 9/28/76.

Concho Indian School - Concho Indian School students will be involved this year (1975-76) in a jointly sponsored "Special Concho Youth Project". The Cheyenne-Arapaho Tribe under an H.E.W. grant from its Division of Narcotic Addiction and Drug Abuse, National Institute of Mental Health, are administering the project in conjunction with Concho staff members in a building which the school has provided. The project is planned for three years and proposes to identify characterize and provide care for young "abusers of inhalants" within an Indian boarding school setting.

Riverside Indian School - The nine cottage dormitories at the school are being renovated. New roofs and water distribution systems. Bed capacity has been limited to 234 with the razing of Kiowa Lodge. Fifty new band uniforms have been purchased this year. State and North Central Accreditations are being prepared. It appears that there will be no accrediting deficiencies. Emphasis is being given this year to basic academic instruction. C.A.T. Basic Skills, Form Q is being administered. Remedial instruction being provided in the areas of math, reading and communication skills.

State procedure for attendance accountability is being followed. Through September 30, percent of attendance was 96.25. Mrs. Beverly Gerard has just returned from a Library Workshop. Mr. Ray Tahsuda, Principal, is at Haskell Indian Junior College on assignment.

Fort Sill Indian School - Is opening an innovative dormitory program in Geronimo Lodge for 36 students who have demonstrated a chemical substance dependency. The dormitory will be staffed by people who have been schooled in alcohol and drug abuse techniques. Dormitory personnel in other dormitories at the school will be given training in these techniques also. This program is funded out of 3100 program monies.

Emphasis is being placed on Indian Education, Indian history and Indian culture and Lore during the 1975-76 school year at Fort Sill.

Haskell Indian Junior College - Haskell is inaugurating a new Occupational Safety and Health Program into their curriculum this year for the purpose of training Indian students to serve in their home areas and reservations as OSHA Technicians.

Chilocco Indian School

School of Opportunity

Year-Round School

Jimmy R. Baker
SUPERINTENDENT

CHILOCCO, OKLAHOMA 74635

Year-Round School
1976-1977-1978
Quarter Terms

1st	2nd	3rd	4th

1976

1-12-76 to 3-29-76	4-1-76 to 6-16-76	7-9-76 to 9-24-76	9-28-76 to 12-17-76
2 Units	2 Units	2 Units	2 Units

Graduation Requirements — 18 Units

1977

1-10-77 to 3-28-77	3-31-77 to 6-17-77	7-8-77 to 9-23-77	9-27-77 to 12-16-77
2 Units	2 Units	2 Units	2 Units

Graduation Requirements — 19 Units

1978

1-9-78 to 3-27-78	3-30-78 to 6-15-78	7-7-78 to 9-22-78	9-26-78 to 12-15-78
2 Units	2 Units	2 Units	2 Units

Graduation Requirements — 20 Units

1979 — 21 Units **1980 — 22 Units**

10

Entrance Requirements

Lack of local facilities for education.
Need for training not available locally.
Applicant at least one-fourth Indian.

Procedure for Admission

Obtain application from your Social Worker, Agency, Subagency, Area Office, or Chilocco Indian School.

Complete the application and forward to your Agency.

You will receive a letter of acceptance from the Registrar at Chilocco Indian School.

Report to Chilocco the first day of the Quarter.

Graduation Requirements

4 Units	Language Arts
1 Unit	American History
1 Unit	Mathematics
1 Unit	Science
1 Unit	Reading
½ Unit	Oklahoma History

Chilocco Educational Program

School Year	220 Days
School Quarter	55 Days
School Day	6 Hours
Class Period	90 Minutes
Attendance Requirements	50 Periods

Fully Accredited by the North Central and State of Oklahoma Education Department

Year-Round School

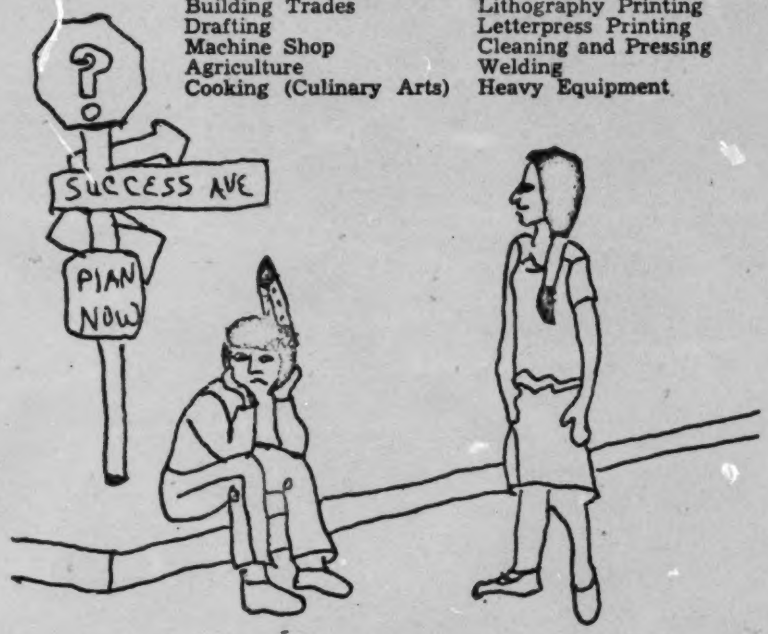
Starting the 1975-76 school term, Chilocco will enter a Year-Round school program. This will enable Chilocco to meet some specific needs of our students. Emphasis will be placed on basic skills especially in areas of reading, mathematics and science. The vocational courses will be oriented toward career opportunities where students are encouraged to excel. Our counseling department will help students further their education and job training.

Chilocco uses individualized lesson plans in classes to enable students to correct weaknesses in their basic academic skills. Students may explore areas of interest in career fields of their choice, and progress at their speed and ability. A minimum number of Post Graduate students will be accepted in our vocational classes.

Chilocco Trade and Industrial Courses

(Girls may select any vocation except Heavy Equipment)

Auto Mechanics	Clerical
Auto Body Repair	Electricity
Building Trades	Lithography Printing
Drafting	Letterpress Printing
Machine Shop	Cleaning and Pressing
Agriculture	Welding
Cooking (Culinary Arts)	Heavy Equipment



BILLINGS AREA REPORT - Las Vegas Conference 10/14-16/75 - Carl W. Vance

1. Johnson O'Malley Program - The Northern Cheyenne Tribal Council has assumed the responsibility for the administration of the FY76 JOM programs on their reservation under a contract with the Bureau. This is the first contract for JOM programs with a tribal group in the Area, and includes the funds associated with the projects.

   The Salish and Kootenai Tribes of the Flathead Reservation have just passed a resolution requesting the JOM program funds for the public schools on their reservation as a part of their current contract. They have had only the program administration up to now, but want the project funds as part of that responsibility. Both the Flathead and the Northern Cheyenne contracts include the entire agency Education and Employment Assistance programs, in effect the Career Development program.

2. Higher Education - To date, 1,130 students are receiving assistance under the grant program. Another 193 students are unable to receive assistance because of a shortage of funds. Agency estimates indicate an additional $450,00 - $480,000 would be necessary to meet these needs.

3. Career Development - The proposed organization of this activity in the Area Office combines the entire functions of both Employment Assistance and Education under the supervision of Carl Vance, Area Education Officer. While target dates have been established for implementing the proposed plan, some set-backs have occurred. A comprehensive planning review will be held in mid-November for personnel from the two tribal contractors staff, agency and area personnel.

4. General - While neither agency nor area staff have been asked to become involved, it is understood that planning continues in relation to a proposed new public high school on the Rocky Boy's Reservation. An elementary school is presently operating at Rocky Boy's, but high school students attend Havre High School or Box Elder High School.

   A new Catholic elementary school was recently dedicated at Hays on the Fort Belknap Reservation. A K-8 program will be provided. A new gym is in the planning stages, using funds from foundations as well as from the tribe.

   The contract proposal for operation of St. Stephens School on the Wind River Reservation is under consideration.

EASTERN AREA REPORT

Enrollment in the Eastern Area on September 30, 1975 was approximately 2,600 roughly the same as the previous school year. The enrollment in contrast to other areas is expected to rise because of the return to reservation schools in two locations.

Construction

The new high school at Cherokee is in use and aside from the moving problems and some problems common to new facilities things are moving along smoothly.

The Title I building utilized by students at the old high school site has been relocated to an area adjacent to the elementary school where it is being used by the elementary school's Title I project.

The architect has been chosen to design the new multi-purpose room at the Ahfachkee Day School on the Big Cypress Reservation.

The design drawings have been completed for the new elementary school at Chitimacha

Staffing

Schools are still reporting problems with staffing. Registers of eligibles are slow in arriving and often the administrators feel that the candidates available do not meet their needs.

A review of the staffing patterns at all Area schools has been started.

Federal Programs

All Title I projects were approved prior to July 1 and this enabled schools to obtain staff and supplies at an early date. As a consequence all Title I programs got off to a good start.

Most projects stress developmental reading programs with increased emphasis on diagnostic-prescriptive techniques.

The Cherokee and Choctaw schools have Title VI B programs.

Early Childhood Assessment

Assessment of Early Childhood Needs in the Area indicated by Bank Street College has been completed.

Eastern Area Report

Higher Education

The first semester of the 75 - 76 school year there are 341 students receiving scholarship assistance.

The program continues to be under funded resulting in a backlog of applications.

JOM

The Choctaw Agency's contract with Jones County Public Schools has been negotiated and signed.

The continuing delay and uncertainity about F.Y. 76 funding has hurt the program in New York, because of the circumstances the New York proposals have to be revised.

Funding

Great concerned has been expressed by all schools about the level of funding for F.Y. 76. Many of fearful that sufficient funds will not available to operate the schools for the entire school year.

Presidentail Secretarial Objectives

There is one contract school in the Area at Miccosukee.

The Cherokees, Choctaws, and Seminole Tribes made the determination that their schools would remain a federal operation for F.Y. 76.

JUNEAU AREA

1. Statewide Issues

   All 50 BIA day schools in Alaska have to decide whether or not to participate in receiving supplementary educational services from the newly developed regional educational attendance areas. Public hearings were conducted throughout rural Alaska in September and October. Boundaries for the newly established REAA's will be set by the State on November 1. Teams going out to the rural communities were comprised of members from Community and Regional Affairs, BIA, Rural Schools, State DOE and Native representatives. The City of Kotzebue, our largest day school (K-12, 800 students), placed on the ballot in the city-wide election, the issue of who should manage and operate the educational program in that community. This is developing into a possible emotional and political issue. The public vote was 2-1 in favor of remaining a BIA operation.

2. The AFN Human Resources Committee is meeting October 16-17 (with BIA participation) to look at education developments last year, namely; the dissolvement of Alaska State School System, Regionalization, how the Presidential/Secretarial Objective relates to this new structure; how 93-638 affects the present Alaska JOM program and impact on education next year. This forum will provide input into the AFN Convention the following week.

3. In JOM we have two prime contracts for the administration and operation of this program. Both are with Native organizations. One with AFN is for the prime contract and 54 sub-contracts. The other is with the Aleut League. They have four sub-contracts. Attached is a copy of their proposals and the approved programs. Question repeatedly coming up in our JOM programs is there going to be a standardized application form for JOM throughout the Bureau nationally. If so, will it reflect current 93-638 regulations.

   Workshop for all JOM sub-contractors will be held October 21-22. This will be conducted by AFN. Uniform Initial and Monthly JOM report forms have been developed and will be required of all sub-contractors.

4. Since our last report, we lost another school - Stebbins was completely destroyed by fire on August 30. School started on the 25th; 50 students were enrolled in grades 1-8. Within two weeks classes were resumed in temporary community facilities, a contract was signed to furnish and construct school facilities 90 days after arrival of materials (cost $1,105,530). Some logistics involved to construct a pre-cut 4 classroom school (54' x 120'), 30' x 50' utility building (heating system, water conversion unit, sewage system, utilidor) and 2 sets of teachers quarters are:

Transportation of 500,00 pounds of construction materials by surface (boat Seattle) to Anchorage; from Anchorage to Unalakleet by Hercules C-130 air transport and from Unalakleet to Stebbins by Sky Van Charter (Mini C-130).

The first week of October, 39 Sky Van loads (160,000 lbs.) have been delivered plus 50,000 pounds by barge. Estimate 125 Sky Van loads yet to be delivered.

In Barrow we have a delivery problem. Due to ice conditions our BIA ship, the North Star, needed Coast Guard assistance to break through to Barrow. Once there, shore ice prevented normal barge landings. Two Bell 205 helicopters were contracted to unload the 900 tons of Barrow freight which took 450 helicopter loads. Normal charter rate was $700/hour.

5. Our Mekoryuk Day School, lost by fire April 16, 1975, was replaced with a temporary facility, 30' X 80' open concept classroom, kitchen, multipurpose room and storage space. Materials and shipment costs were $424,000; labor $143,333 ($567,333) for 4320 square feet of facilities. A few shipping problems were also encountered. It was necessary to use a helicopter to pick up 4000 pound units and ferry them to the school site.

   Then there is Quinhagak - where the river erosion is threatening to wash this facility away. This, too, is a four-classroom building.

6. Mt. Edgecumbe opened its doors with 560 students - 100 more than normal capacity due to delays in opening of several State bush high schools and two North Slope day schools unable to accommodate the 11th and 12th grades this year. Both the boys' and girls' dormitories are being completely remodeled. Emphasis on more privacy and fewer students per room. Individual lighting and heat controls are planned for each room.

7. We have 15 full-time Bilingual Education programs. This is almost twice as many programs as in FY 75. Two programs funded through Title VII last year at Savoonga and Gambell did not receive Title VII monies this year. The State of Alaska set up a Bilingual Education Task Force to make recommendations. The Task Force must have a final plan for Guidelines/Regulations for Bilingual-Bicultural Education no later than June 1, 1976 to the Commissioner of Education. We have one member on this Task Force.

8. Teachers now hired for all schools - five still enroute to Alaska. Gambell and Savoonga (4-teacher schools) have been operating since August 25 with only two teachers.

9. October 28-30, all BIA educational supervisory personnel will meet to reassess and update their goals for FY 76. This is a follow-up of our spring workshop.

10. As of October 10, we have provided financial assistance to 1,079 students.

EXHIBIT A

JOM PROPOSALS ON REGIONAL BASIS
FY 76

				Original Amount Req.	Juneau Area Office Final Approved
			*ALEUT LEAGUE		
(6)	#55	Aleutian Planning Commission	/ Aleut Bilingual-Bicultural Program	149,902.80	-0-
(13)	#72C	Aleut League	/ Unalaska Cultural Enrichment Program	22,819.00	15,000.00
(20)	#72	Aleut League	/ Education Department Lower Sites	99,396.30	70,000.00
(22)	#72D	Aleut League	/ Unalaska Cultural Heritage thru Music Program	46,687.00	12,000.00
(31)	#25	Alaska State-Operated Schools	/ Sand Point Aquaculture	88,480.11	68,000.00
(48)	#72A	Aleut League	/ Music Experiences for King Cove Students	43,679.00	-0-
(49)	#72B	Aleut League	/ St. George Early Childhood Development Program	38,540.00	26,000.00
			TOTAL	488,904.21	* 193,000.00
			ARCTIC SLOPE		
(30)	#30	North Slope Borough School District	/ Music Education Program Barrow	59,115.00	59,115.00
			BRISTOL BAY		
(1)	#15	Koliganek	/ Cultural Enrichment Program	27,200.00	27,200.00
(2)	#1	South Naknek Village Council	/ Cultural Enrichment for Alaska Natives	93,647.39	60,000.00
(26)	#17	Bristol Bay Native Association	/ Bristol Bay Bilingual-Bicultural Project	446,326.00	244,230.00
(27)	#41	Togiak School	/ Togiak Vocational & Cultural Enrichment Program	38,414.37	25,000.00
(28)	#9	Dillingham City Schools	/ "The Third Stage"	192,190.00	100,000.00
(35)	#37	Levelock JOM Parent Committee	/ Levelock School Program	64,234.00	40,000.00
(52)	#18	Bristol Bay Native Association	/ Kodiak Area Native Assoc. Project-Bicultural Legal Education	169,203.00	-0-
			TOTAL	1,031,214.76	496,430.00
			COOK INLET		
(17)	#79	Cook Inlet Native Association	/ Student Transportation	159,719.00	110,000.00
(18)	#75	Cook Inlet Native Association	/ Youth Development Program	358,200.00	353,132.00
(50)	#77	Tyonek Village Council Parent Committee	/ Tyonek JOM Project Remedial Program	44,820.90	44,820.00
			TOTAL	562,739.90	507,952.00
			COPPER RIVER		
(10)	#19	Copper River Native Assoc., Inc.	/ Bi lingual & Cultural Awareness	195,277.00	125,000.00

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* The Aleut League not to be included in AFN Budget

				REQUESTED	
		KAWERAK - NOME			
(1)	#2	None	/ Dramatic Arts Project	21,974.00	21,974.00
(2)	#56	Kawerak, Inc.	/ Education Field Council	22,719.00	22,710.00
(3)	#57		/ Dorm Supplemental	143,385.00	143,385.00
(4)	#98		/ Bi lingual Nome High School	99,448.00	99,448.00
(5)	#59		/ Bi lingual Workshop	116,454.00	-0-
(6)	#60		/ Cultural Enrichment-Dance	148,774.00	-0-
			TOTAL	552,745.00	287,517.00
		KODIAK			
(11)	#14	Kodiak Area Native Association	/ Education Project	263,081.00	150,000.00
		MAUNELUK - (KOTZEBUE)			
(2)	#5	Kivalina	/ Cultural Heritage Project	83,897.00	57,000.00
(6)	#86	Mauneluk Association, Inc.	/ Mauneluk Bilingual-Bicultural Program (11 Sites)	538,157.00	225,000.00
(9)	#40	Shungnak	/ Upper Kobuk Eskimo Language Program	125,891.20	100,000.00
(16)	#8	Selawik City School District	/ Exemplary Learning Project	87,664.00	56,000.00
			TOTAL	835,609.20	438,000.00
		NORTH PACIFIC RIM			
(3)	#13	North Pacific Rim Native Corp.	/ Port Graham & English Bay Bi lingual Program	106,554.64	50,000.00
(7)	#64	Eyak Community Council	/ Evak Youth Service Center (NPR) Cordova	79,500.45	69,000.00
(36)	#20	North Pacific Rim Native	/ Port Graham & English Bay Early Childhood Development Program	62,104.00	55,000.00
			TOTAL	248,159.09	174,000.00
		SOUTHEAST			
(1)	#52	Hoonah	/ Tlingit Culture Program Public Schools	13,896.00	13,896.00
(3)	#36	Craig	/ Cross Cultural	74,047.57	60,000.00
(4)	#81	Kake	/ Tlingit-Haida Cultural & Bilingual Restoration Program Public Schools	135,526.62	75,000.00
(6)	#66	Hydaburg City School District	/ SEA-Education	23,803.00	23,803.00
(7)	#44	Hydaburg City Schools	/ Ethnic Studies Program	50,457.00	30,000.00
(8)	#39	Tlingit & Haida Central Council	/ Field Counselors	126,567.00	-0-
(21)	#51	Hoonah Public School	/ Career Guidance Program	36,050.00	36,050.00
(24)	#32	Valley Park Parent Committee	/ Increase Success of Native Students	101,153.00	101,153.00

				REQUESTED	
		SOUTHEAST CONT.			
(35)	#50	Hoonah Public School	/ Driver's Education	4,841.00	-0-
(42)	#38	Alaska Native Brotherhood & Sisterhood #2	/ JOM Home School Counselor Program (2)	44,740.24	44,740.00
(47)	#24	Schoenbar Jr. High Parent Council	/ Affirmative Development of Ak. Native Students Counseling Program	66,931.00	66,931.00
(51)	#65	Yakutat City School District	/ Pre-Elementary Program	45,000.00	45,000.00
(37)	#45	T&H - Petersburg	/ T&H Indian Studies	171,170.00	50,000.00
			TOTAL	874,182.43	546,573.00
		TANANA CHIEFS CONFERENCE			
(1)	#94	Fort Yukon High School	/ School Counselor TCC	12,500.00	-0-
(2)	#87	Tanana Chiefs Conference, Inc.	/ Boarding Home Program	184,957.00	68,000.00
(4)	#10	McGrath	/ Youth Aid Counseling Assistance	12,250.00	-0-
(5)	#90	Tanana Chiefs Conference, Inc.	/ Tanana Survival School	259,914.00	180,000.00
(5)	#49	Nulato	/ Bilingual-Bicultural	86,048.50	50,000.00
(7)	#42	Anvik	/ Cultural Arts Program	3,436.00	3,436.00
(14)	#29	Fairbanks Native Association	/ Project NOW	225,031.28	200,000.00
(15)	#68	Northway	/ Art Program JOM Parent Committee	17,944.43	17,944.00
(19)	#27	Gwitcha Gwitchin Ginkye Corp.	/ Fort Yukon Language & Culture Project	74,148.05	62,000.00
(32)	#82	Circle Indian Education Committee	/ Individual Learning and Biculture	8,585.00	8,585.00
(40)	#48	Gwitcha Gwitchin Ginkye	/ Stevens Village School Native Language & Native Skills Program	9,377.97	9,377.00
(41)	#86	Dot Lake Native Association	/ Dot Lake Athabascan Culture	22,259.40	22,259.00
(43)	#28	Arctic Village Native Educ. Committee	/ Arctic Village Teacher Aide and Preschool	15,519.69	15,519.00
(45)	#34	Holy Cross JOM Committee	/ Native Language-Woodworking Program TCC	36,619.00	36,619.00
			TOTAL	968,590.32	673,739.00
		YUPIKTAK BISTA			
(3)	#63F	Yupiktak Bista	/ Bethel Dorm - Recreation Program	22,340.00	22,340.00
(12)	#63C	Yupiktak Bista	/ Bethel Individualized Instruction	167,988.00	167,988.00
(23)	#631	Yupiktak Bista	/ Cultural Heritage - St. Mary's	56,886.00	56,886.00
(25)	#63H	Yupiktak Bista	/ Cultural Heritage - Villages	39,380.00	39,380.00
(33)	#63G	Yupiktak Bista	/ Cultural Heritage - Bethel High	123,038.00	123,038.00
(34)	#63J	Yupiktak Bista	/ Cultural Heritage - Middle School	6,595.00	6,595.00
(39)	#63E	Yupiktak Bista	/ Career Resources - St. Mary's	19,394.00	19,394.00
(44)	#63D	Yupiktak Bista	/ Media Support	156,584.00	-0-
(45)	#63A	Yupiktak Bista	/ Bethel Administration	206,826.00	-0-
(46)	#67	Yupiktak Bista	/ Aniak Recreation Director	25,194.00	-0-
			TOTAL	824,225.00	435,821.00
			JUNEAU AREA OFFICE GRAND TOTAL	6,903,842.91	4,087,147.00
			AEN - GRAND TOTAL $3,894,147.00		

MINNEAPOLIS AREA

Higher Education Grants - Annual Report, Fiscal Year 1975

This office would like to add the following comments to supplement our report in numerical sequence:

1. Single students comprised 61.21% of the approved applications and were awarded 51.43% of the Bureau grant funds. However, the married student category indicates that 38.79% of these students received 48.57% of the funds. While it is recognized that married students (families) have a higher financial need, this is pointed out solely for the purposes of budget justification. Forty-nine percent of the students were returning or renewal applicants while 51% were new applicants.

2. Although a majority of the students (53.43%) were between the ages of 18-24, the higher percentage (46.57%) of students over age 25 is another factor that indicates many Indian people decide later on in life to further their education.

3.

Class Status	No. Students	% of Students	% of Funding
Freshmen	927	58.80	51.0
Sophomore	322	19.73	21.6
Junior	210	12.87	51.1
Senior	126	7.7	9.8
Graduate	47	2.9	2.4

3.b Withdrawals - Of the 171 students (10.4%) that withdrew from school, only 1.9% were for academic reasons. Two percent discontinued for social reasons and 5.6% had cited "other" reasons. Noteworthy is the fact that only one student was reported to have withdrawn from school for financial reasons.

4. State supported institutions had 89.64% of the students enrolled compared to 10.36% attending private schools.

5. Graduates of public schools comprised the largest percentage of the grant recipients (86%). Graduates of Bureau of Indian Affairs schools made up 2.9%, private school graduates 3.5%, and GED graduates consisted of 7.2% of the student group. As more Indian Adult Basic Education opportunities become available, it is expected that the GED certificate holders enrolling in college/university programs will increase tremendously.

6. Six hundred thirty-three (633) married students received a total of $1,023,013 for an average BIA award of $1,616. Comparatively, the 999 single students' awards averaged $1,084, which further supports our comments in number 1 above. The average BIA award for all students was $1,290.

7. Additional financial aides: This category is self-explanatory. Thirty-six percent of the students received BEOG/SEOG awards totalling $547,425 for an average of $939. As the BEOG program becomes more familiar to the Indian communities, it is felt the number of BEOG grants received will increase significantly. "Outside" aid accounted for an average grant of $1,787 or 58% of th the financial aid package. Parent/student contributions accounted for 18.3% in the so-called "self-help" area. The average combined financial aid package for all students, including the sources of funds, was $3,078. The 1,632 students aid package totalled $5,022,502. Bureau of Indian Affairs participation was $2,106,008 or a 42% average of the financial aid package.

   The Weighted Analysis form indicates that 51% of the Bureau awards were in the $1 - $1,000 rnage; another 35% of the awards were between $1,001 - $2,000; overall Bureau funding found 86% of the awards below $2,000.

The Minneapolis Area is fortunate in having tribal contractors as administrators of sizeable portion of the higher education program. It is readily evident that these tribal contractors are exercising sound administrative practices in providing viable educational opportunities coupled with coordinated funding resources and student support services.

PROGRESS REPORT--MUSKOGEE AREA
BIA CHIEF AREA OFFICE EDUCATION OFFICERS'
QUARTERLY CONFERENCE
October 14 - 16, 1975

1. On-going activities during the first quarter of FY 1976

a. TRIA-CIA (The Role of the Instructional Aide and Competencies of the Instructional Aide), a one week workshop for 25 dormitory workers, was held at Carter Seminary August 11-15, 1975. During the past year Instructional Aides and their supervisors were involved in the development of the TRIA program. Training in techniques for using the program for self evaluation has been provided for all dormitory personnel in the area. Follow-up activities for the TRIA program are scheduled during November, February and March. A member of the area staff is conducting a Bureau-wide research study to determine the validity of the TRIA definition of instructional aide competence. Findings in the study are expected to be available in December.

b. Pre-school workshops were conducted at each area installation. Activities included presentations and discussions by area and local school staff members as well as outside resource specialists.

c. All FY 76 Title programs have been approved and are in full operation. Unofficial fidelity reviews have been conducted in Title I programs at Seneca and Sequoyah by the Area Federal Programs Specialist with the assistance of a Central Office Title I Specialist.

d. Six training sessions have been conducted in PL 89-10, Title I; PL 92-318, Title IV, part 13; and Johnson-O'Malley Programs in public schools.

e. On September 11-12, 1975, Division of Education staff participated in a Johnson O'Malley workshop at Arrowhead Lodge, Canadian, Oklahoma. The purpose of the meeting was to draft election procedures for the Regional Indian Committees for Regions 2, 4 and 6.

f. The Area office was instrumental in organizing and planning the JOM Regional Committee meeting, held October 3, 1975, to develop a constitution and by-laws to govern the committee's operations. Tentative selection of the constitution and by-laws was made. Copies will be available in the near future.

II. Progress on Studies, Evaluations and Legislation

a. A member of the Area Education staff has been participating on the Central office task force developing CFR and manual materials on student records.

b. The Assistant Area Director (Education) participated in the Indian Needs Assessment activities at Oklahoma State University on September 10 and 29, 1975.

c. The two staff members who had been participating in the Area's Professional Development Program for Educators returned to duty as of August 11, 1975.

III. Items of General Interest

a. Approximately 2200 scholarships for college students were granded for the current semester.

b. The Executive Council of Muskogee Area Advisory School Boards met in September to review proposed guidelines for Advisory School Boards.

c. The Foster Grandparent Program is providing special services to students in four of the area schools. The foster grandparents assist children in planning various student activities, such as arts and crafts classes, play activities, homework, cultural trips, etc.

d. Sequoyah High School hosted the Muskogee Area Arts and Crafts workshop on August 14-15, 1975. Emphasis during the workshop centered on traditional art techniques including Indian pottery and weaving. Thirty dormitory staff members and teachers from the area schools participated in the inservice training art activities.

e. Students from the area schools were among the participants in the various Tribal Holiday activities (Cherokee National Holiday, Choctaw Annual Labor Day Meeting, and Seminole Nation Day, Creek National Festival and Chickasaw Celebration).

f. School enrollment:

Sequoyah High School.	219
Seneca Indian School.	137
Carter Seminary.	105
Eufaula Dormitory.	97
Jones Academy	205

g. The Adult Education staff members administered 70 GED tests during the first quarter.

h. The Bureau of Indian Affairs has six adult education contracts with Indian Tribes (Seminole, Chickasaw, Choctaw, Cherokee, Creek and Eight Affiliated Northeastern Oklahoma Tribes) to implement adult education centers. A variety of educational activities are being provided Indian adults through these centers.

NAVAJO AREA

Safety:

The recent tragedy of the drownings at our Hunters Point Boarding School has deepened our concern that we have an on-going safety program at our schools and agencies. We have done considerable work in the area of safety curriculum in the past years but perhaps have neglected to insure that our schools develop and follow a daily safety program. To insure this, we are asking that each school have weekly safety meetings and that problems and concerns are forwarded to the Agency and if necessary to the Area for corrective action. As you are well aware, the great need in the safety program is to change the attitudes of employees and students so that they become safety conscious. This even becomes more difficult when working with a culture that believes danger may bring harm. Each Agency has developed an emergency operation plan to serve the communities and schools in case of natural disasters, fires or the need for search and rescue for lost students or community members.

Alternative School:

We are continuing work in the development of an alternative high school in the Shiprock Agency which will serve the entire Navajo Area. It is hoped that this high school will be in operation by the second semester of this school year. One of our depest concerns is securing adequate vehicles to meet our needs through the General Services Administration (GSA). We have been informed by General Services Administration that their Washington Central Office cancelled orders for replacements, replacement vehicles and for vehicles to meet expanded programs.

This has placed both our education programs and the local GSA Motor Pool in somewhat of a dilemma. If other areas are feeling the same type of concern, perhaps we should exert, together, pressure on the Washington General Services Administration Office to insure that vehicles are purchased to meet the needs of Indian education. It becomes extremely important that when we talk about the implementation of a safety program and have to use behicles that are old, in need of repair, and might be unsafe. Our road system certainly leads to vehicle problems and unless replacements are available, this program magnifies within a short time.

Privacy Act:

We have given a great deal of thought to the Freedom of Information and Privacy Act that concerns our schools. Our local solicitor has been most helpful in this area, but we find ourselves in a difficult position in working with our local school boards. The Privacy Act and the recent Civil Service survey point out strongly that we cannot allow a third party to review employee applications. This has been one of the roles of our advisory school boards in advising our school

principals of the candidates they felt were most suitable to the school and community. We will not have to stop making this information available and as a result we may find ourselves in a somewhat difficult situation with our advisory school boards. We are working with the Solicitor in an attempt to find a solution but none seems available at this time.

Enrollment:

Our enrollment in Bureau schools is down somewhat this year. We are 855 students short of our estimated enrollment of 18,525 students. This is a larger decline than we had anticipated, however, our reservation communities keep growing and families keep moving from the areas that the Bureau would normally serve through boarding schools.

Staff:

Again this year we were forced to open school short of necessary teachers in both our regular program and Title programs. We discussed this problem with Civil Service and have been assured that next year we will be able to begin recruiting in March and April rather than during the months of July and August and thereby solve this problem. We will probably have to go to a pool-type teacher recruitment plan in order to meet our needs when school starts.

Curriculum:

We continue to work in curriculum development and will soon complete our science and math programs. These programs will be in the hands of our teachers in the very near future. Our curriculum division has set its implementation objectives for school year 1975-76 and they will be working in the areas of developing music curriculum, career education, kindergarten, complete and field test units for NALAP Part III, expand use of CITE and NALAP, develop materials for special education resource rooms, develop curriculum and guidelines for the development of alternative school programs and develop an alcohol treatment and alcohol education program.

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PORTLAND AREA

1. Northwest Education Conference was held last week in Yakima, Washington. This annual conference is planned and organized by Tribal Education Committees. BIA educators are invited by the host tribe.

   Highlights:

   (a) Dr. Dave Warren - BIA education responsibilities to assist in copyrighting printed matter developed by tribes.

   (b) Elizabeth Whiteman - Reported her sub-committee JOM recommendations.

2. Higher Education - Work continues with Financial Aids Officers at colleges and universities to improve financial packages for Indian students. Need for guidelines to bring about uniformity in funding among students.

3. Adult Education - Area-wide meeting held in Seattle on August 26, 27, 28 - bringing to tribes BIA-USOE (Region X) and state department of education officials expertise and joint funding thrust.

4. Secretarial/Presidential Objective - Area BIA effort but very little tribal response.

EDUCATION LEADERSHIP CONFERENCE
BIA CHIEF AREA EDUCATIONAL OFFICERS
LAS VEGAS, NEVADA

FREMONT HOTEL
October 14-16, 1975

TUESDAY, October 14

9:00 am - 10:00 am	*"Welcome"*: John Artichoker, Area Director Phoenix Area Office
	"Address": Morris Thompson, Commissioner Bureau of Indian Affairs Washington, D. C.
	"Opening Remarks": Noah Allen, Acting Director Office of Indian Education Programs Washington, D. C.
10:00 am - 11:30 am	Progress Reports from Area Offices. (NOTE: Areas may wish to prepare a written version of what they will report during this session of the meeting. If so, please make enough copies (20) for distribution and be sure to get one copy to the recorder.) Ernest Magnuson, Moderator, Navajo Area
11:30 am - 1:00 pm	L U N C H
1:00 pm - 2:00 pm	"Public Law 93-638 - An Update (Including construction)": Jon Wade, Moderator, Educational Assistance, IERC; John Carmody, School Facilities, IERC
2:00 pm - 3:00 pm	"Is Education a Treaty Obligation or a Service?" Harry Eaglebull, Aberdeen Area Office; Barry Berkson, Field Solicitor's Office, Albuquerque
3:00 pm - 4:30 pm	Open Discussion, including: "Types of Schools" (BIAM proposed release) "Teacher Recruitment" "Upgrading Dormitory Personnel" William J. Benham, Moderator, IERC
4:30 pm - 5:00 pm	"Personnel Memo re: Furlough Positions" Edwin Moore, Moderator, Muskogee; James Bearghost, Washington, D. C.

WEDNESDAY, October 15

8:15 am - 10:15 am	Open Forum Dr. Noah Allen with Assistant Area Directors

WEDNESDAY, October 15 (Continued)

10:15 am - 11:00 am	"Student Records and Information" "Freedom of Information Act" "Family Rights to Privacy Act" "Student Rights and Responsibilities" Emil Kowalczyk, Moderator, Juneau; Barry Berkson, Albuquerque; Tom Hopkins, IERC George D. Scott, Washington, D. C.
11:00 am - 11:30 pm	"Higher Education and Special Education Concerns": Juanita Cata, Moderator, Albuquerque Area; Robert Hall, Continuing Education, IERC
11:30 am - 1:00 pm	L U N C H
1:00 pm - 1:30 pm	"Presidential Secretarial Objectives - An Update" "Advisory School Boards - An Update" "Annual School Census Report and Education Information System" Roy Stern, Moderator, Portland Area
1:30 pm - 2:30 pm	"Early Childhood Education Needs Assessment - An Update": Herbert Zimilies, Director of Research, Bank Street College, New York City; Paul Melchoir, Moderator, Minneapolis; Henry Rosenbluth, IERC
2:30 pm - 3:00 pm	"JOM - Solid Formula Distribution, Including Basic Support and Program Money": Carl Vance, Moderator, Billings; Jon Wade, Educational Assistance, IERC
3:00 pm - 3:30 pm	"School Facility Concerns": Jim Freelon, Moderator, Eastern Area Office; John Carmody, School Facilities, IERC
3:30 pm	Dr. William Demmert, Deputy Commissioner, Office of Indian Education, Department of Health, Education and Welfare, Washington, D. C.; Dr. Noah Allen, Moderator, Central Office

THURSDAY, October 16

9:00 am - 9:30 am	ORBS Committee - An Update "Designation of Off-Reservation Boarding Schools" "Criteria for Admission to Boarding Schools": Ray Sorensen, Moderator, Phoenix
9:30 am - 10:00 am	"Objectives or Philosophy should state Problems of Social Concern": Louise Miller, Moderator, Sacramento; Dan Sahmaunt, Anadarko

THURSDAY, October 16 (Continued)

10:00 am - 11:00 am	"Critique of Chief Area Education Officers Conferences Annual Report" Identification of Follow-Through for this conference Planning for Next Conference: Dr. William Benham, Moderator; Dr. Tom Hopkins, IERC; Mr. Paul Sward, IERC
11:00 am - 12:00 pm	"Closing Remarks": Dr. Noah Allen, Acting Director of Indian Education Programs, Central Office Education

FEDERAL RESPONSIBILITY IN THE FIELD OF INDIAN EDUCATION

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By Barry K. Berkson, Esq.[1]

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INTRODUCTION

Does the United States have a legal obligation to educate American Indians? If there is such an obligation, does it extend to all Indians, regardless of whether they may reside on a reservation or in a city? What about blood quantum? Would it have any bearing on the question if the Indian blood quantum was less than full; less than 1/2; or, less than 1/4? Would tribal affiliation have a bearing?

If there is such an obligation on the part of the United States, how much of an education would be required -- through high school; through college?

Perhaps there is a limited obligation. Perhaps there is no real legal obligation at all. Perhaps there is a moral obligation.

It would appear that by this time, many articles would have been written, discussing these questions in depth; but surprisingly, I have found very little printed matter directed to the heart of the principal question.

CONGRESSIONAL RECOGNITION OF A FEDERAL OBLIGATION

As a beginning point, we know that the Congress of the United States has appropriated Federal funds for Indian education for better than 150 years, commencing in the

year 1802, with the grand sum of $15,000.00.[2] It is interesting to contrast this sum of money with the nearly $145,000,000.00 appropriated by Congress for Bureau of Indian Affairs Indian Education Programsalone in Fiscal Year 1975[3]; not to mention other sizeable funds appropriated by Congress for Indian education programs such as Johnson-O'Malley[4] and funds appropriated to the Office of Indian Education[5]. In view of the long-established practice of the Congress of the United States to make annual appropriations of federal funds for the benefit of Indian education, it is safe to conclude that the Congress does recognize some kind of Federal obligation in the field of Indian education. There are other Congressional enactments, some of which have been on the statute books a long time, which further reflect the fact that Congress does indeed recognize a special commitment to Indian education. For example, in an 1819 statute, which is still effective, Congress authorized the President to employ teachers to teach Indian children reading, writing, arithmetic, and agriculture[6]. In 1889, Congress directed the President, with the advice and consent of the Senate, to appoint a Superintendent of Indian Schools[7]. In 1908,

the Congress directed that all expenditures of money appropriated for Indian school purposes shall be under the direction of the Commissioner of Indian Affairs, subject to the supervision of the Secretary of the Interior.[8]

Even though Congress obviously recognizes a Federal obligation to advance Indian education, it could effectively kill such obligation by ceasing to appropriate moneys at any future time. And, of course, it follows that the extent of the obligation that Congress feels is directly reflected by the amount of moneys that Congress annually appropriates for Indian education, and where the money is channeled.

CONGRESSIONAL RECOGNITION OF A STATE OBLIGATION

Although we have identified a Federal obligation in Indian education, Congress has enacted several pieces of legislation which recognize the obligation of the States to serve the educational needs of Indians. For example, a 1929 law authorized the Secretary of the Interior to allow agents of the States to enter upon Indian reservations to enforce the penalties of State compulsory school attendance laws against Indian children and parents.[9] Previous to that law, the Congress directed that no appropriations, except appropriations made pursuant to treaties, could be used to educate children of less than 1/4 degree Indian blood, whose

parents are citizens of the United States and of the State wherein they live, and where there are adequate free school facilities provided.[10] This law is interesting from several aspects; one being that it attempted to set up some kind of eligibility standards for Indians to receive assistance for education; the other being the fact that Congress recognized that many Indians did, in fact, receive free public school education by many of the States at that time. It would appear that this law would have formed the basis for the Bureau's regulations governing school enrollment eligibility, as set forth in 25 CFR 31. Section 31.1 of that part restricts enrollment in Bureau-operated schools to children of one-fourth or more degree of Indian blood, who reside on or near an Indian reservation, or on trust or restricted lands, except where there are other "...appropriate facilities available to them..." However, it appears that the Act of April 30, 1908[8] was used to form the basis of the Bureau's school enrollment regulations. The 1908 Act gives the Commissioner of Indian Affairs broad authority over the supervision, direction, and expenditure of moneys appropriated for Indian education, including rule-making authority, subject of course to the supervision of the Secretary of the Interior.

By various court decisions through the years, Indians residing on reservations are now entitled to attend state

public schools as a matter of right.[11] Congress has been very much aware of this fact, and has provided subsidies from time to time to assist states in better serving the needs of Indian education.[12]

Therefore, although Congress has recognized a federal obligation to promote Indian education, it is also cognizant of the States' obligation in the same field.

TREATY RIGHTS

Undoubtedly the obligation that Congress feels in Indian education can be traced historically to the educational provisions written into many of the Nation's treaties with Indian tribes. The most common such treaty provision required the United States to erect on the reservation a schoolhouse for every thirty children.[13] Some treaty obligations were of a continuing nature, and others were limited to a specified amount of funds and to a set number of years the funds were to be made available. The Treaty with the Cherokee Nation contained the following provision:

> "...It is further agreed by the United States, to pay two thousand dollars, annually, to the Cherokees, for ten years, to be expended under the direction of the President of the United States in the education of their children, in their own country, in letters and the mechanick arts; also, one thousand dollars towards the purchase of a Printing Press and Types to aid the Cherokees in the progress of education, and to benefit and enlighten them as a people, in their own, and our language (p.313)".[14]

When we hear people speak of "treaty obligations to the Indians," it doesn't really mean very much, because treaty provisions differ as between tribes, and some tribes had no treaties whatsoever. Treaty provisions with respect to education must be examined on a treaty-by-treaty basis to determine what the specific provision says, and whether a possible obligation still exists thereunder.

INTERMOUNTAIN SCHOOL CASE

As you might expect, there are not many court decisions which have explored the treaty obligations of the United States in the field of Indian education. However, there is one recent case which merits discussion.

Some of you may have heard of the Intermountain School Case during the period 1971-1973[15]. During that period of time, Intermountain School was an all Navajo boarding school with over 1700 Navajo students. It was, and still is, primarily a high school, with emphasis on vocational training. The Intermountain School Case involved a class action suit filed in April of 1971 in U.S. District Court, Salt Lake City, Utah, against the Commissioner of Indian Affairs and other named defendants. Plaintiffs attempted to have the court close the school, primarily because it allegedly violated the Navajo Treaty of 1868. The Plaintiffs in this action were the Intermountain School Chapter of the National Indian Youth Council,

and four students enrolled at the school. The students were members of the Navajo Tribe of Indians, and officers of the local NIYC chapter. The NIYC at the national level is a non-profit corporation, which receives financial support from various donors such as the Field Foundation, the Lutheran Church, the Methodist Church, and the U.S. Office of Education. The NIYC was organized to combat by peaceful, non-violent means the discrimination, racism, and other social problems affecting Indians generally, and Navajos at Intermountain School in particular.

All defendants in the suit were officials of the Bureau of Indian Affairs, both at the Central Office level and at the Intermountain School, with the exception of one person who was employed by the U.S. Public Health Service. All of the defendants were represented by the U.S. Department of Justice, since the suit was, in effect, a suit against the United States.

As indicated, the thrust of the complaint was that the location and operation of the school was in violation of the Navajo Treaty of 1868. Portions of the Treaty pertinent to the case read as follows:

"ARTICLE VI. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years."

The Complaint stated that despite the plain requirements of the Treaty, the United States has failed to build adequate schools on the Navajo Reservation, and has failed to provide competent teachers residing thereon, and the continued operation of the Intermountain School, being situated off the Reservation and being staffed with incompetent teachers, is therefore in violation of the treaty and should be closed.

In addition, the Complaint was chock-full of alleged administrative practices which violated the individual rights of students, such as:

(1) Students being forced to attend the school against their will;

(2) The school existing solely to provide a multi-million dollar federal payroll for the Brigham City constituents of Senator Arthur V. Watkins, and to facilitate the destruction of the Navajo culture;

(3) Students being discouraged from practicing traditional Navajo religion, but instead encouraged to take the Christian religion to such a degree that the school is, in fact, an illegal sectarian school;

(4) Student members of the Native American Church not being allowed to conduct their sacred peyote ceremonies, in violation of their First Amendment rights;

(5) The school having a practice of injecting thorazine into the bodies of intoxicated students, being a highly dangerous practice and unnecessary, and violating First Amendment rights.

There are still other allegations in the Complaint of unlawful acts committed by school employees, from beating students to sexually attacking them.

At the time this suit was filed, it received much National publicity, both in newspapers and in television, and many

people became familiar with the shocking allegations of the Complaint. There was practically no news coverage to any other aspect of the case, and unfortunately, very few people to this day have knowledge of the Court's final decision.

As indicated above, the case was tried in the U.S. District Court in Salt Lake City, Utah. That Court wrote a lengthy decision in favor of the United States, which decision was appealed to the U.S. 10th Circuit Court of Appeals, located in Denver, Colorado. The Circuit Court wrote a decision affirming the decision of the District Court, and Plaintiffs promptly appealed to the U.S. Supreme Court, in Washington, D.C. The U.S. Supreme Court refused to hear the case, and this had the effect of giving greater weight to the decisions of both the District Court and the Circuit Court, than had no appeal been made to the Supreme Court.

Essentially, the Intermountain School case was dismissed on jurisdictional grounds, principally because it was an unconsented suit against the federal government, barred by the doctrine of sovereign immunity.[16] The Court concluded that the Plaintiffs had a proper administrative remedy under regulations promulgated by the Department of the Interior, governing appeals from actions of Bureau officials.[17]

Of particular interest to Indian educators is the fact that the trial court had much to say about the legal interpretation of the Navajo Treaty provisions relating to education. First of all, the court said that in interpreting a treaty provision, courts must look at more than just the treaty provision itself. Because of the plenary power of Congress over Indian tribes, courts must also look to legislation enacted subsequent to the treaty.[18] Consequently, the courts will not construe a treaty in a manner inconsistent with a subsequent federal statute.[19] But even more important, the trial court said that the interpretation given treaties by the Executive Department merits important consideration and will be given great weight.[20] The court took special note of the fact that the Intermountain School was initially established by a 1949 Act of Congress,[21] and said that this statute and other legislation[22] clearly evidence an intent on the part of Congress to provide off-reservation schooling for Indian youth, and have the effect of altering the treaty provisions to the contrary. The court made the following observation:

> "...The present operation of Intermountain is plainly within the scope of defendants' lawful discretion as circumscribed by the composite intent of Congress gleaned from the terms of both the Treaty and said statutes. Naturally, the present operation of Intermountain is also a reflection of the

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"meaning given to the Treaty by the Department of Interior, the department of government particularly charged with its enforcement, and that fact is worthy of considerable weight in this proceeding.

Even if the Treaty were the sole source of defendants' discretion, there would be no basis for a conclusion that defendants have exceeded their discretion. The terms of the Treaty, which require that teachers and schools be provided on the reservation for children between the ages of six and sixteen, do not state, or even necessarily imply, a prohibition against the establishment of additional off-reservation schools, especially schools primarily for children over the age of fifteen. The thrust of Article VI seems to have been simply to provide education for Indian youth, rather that to prescribe where and in what particular manner that education should be provided under the varying and unforeseeable circumstances of the century which has passed since its signing..."

As to the power of Congress over Indian education, the court said:

"...In its role as creator of the wardship status of the Indians Congress has undertaken to provide education for them and has made the initial policy determination that at least some of the schools established for the Indians shall be located off the reservation and that consenting parents may cause their children to attend such schools. The establishment of off-reservation schools is an appropriate means by which the federal government protects its guardianship and is a considered program undertaken in discharge of the obligations of that guardianship. Such a program should not be impaired by interference from the judiciary..."

The trial court was very sensitive to the role of the judiciary branch of government as opposed to the role of the executive branch of government, and made the following observation:

> "...Therefore, the decision by a court of law to transplant an off-reservation school would both require an initial policy determination of a kind clearly for nonjudicial discretion and an expression of lack of the respect due coordinate branches of government. Fourth, embarrassment from the stand repeatedly taken by the Executive would certainly ensue. The courts are not in the business of determining, for example, where federal schools are to be located, what classes should be taught, the appropriate nature and extent of student counseling services to be provided or how, in any other respect, school administrators exercise their lawful discretion. To do so would be to disparage and embarrass a coordinate branch of government..."

The decision of the U.S. Circuit Court of Appeals[23] upheld the decision of the trial court on every point, but strongly emphasized the power of the Executive Branch in carrying out statutory obligations relating to Indian Affairs. In this connection, the Circuit Court said:

> "...The trial court's dismissal is further buttressed by the rule that great deference should be afforded to interpretations by the agency charged with the duty of carrying out statutory mandates. Udall, Secretary of the Interior v. Tallman, 380 U.S. 1, 85 S.Ct. 792, 13 L.Ed. 2d 616 (1965); Garvey v. Freeman, 397 F.2d 600 (10th Cir. 1968). Credence should be particularly

"accorded those who are working with treaties. Kolovrat v. Oregon, 366 U.S. 187, 81 S.Ct. 922, 6 L.Ed.2d 218 (1961). Courts cannot substitute their judgment for that of those working with Indians, empowered to exercise discretion. Board of Com'rs of Pawnee County, Okl. v. United States, 139 F.2d 248 (10th Cir. 1943).

In no event should a court direct the manner in which discretionary acts are to be performed, nor may it direct or influence the exercise of discretion in making that decision. McQueary v. Laird, supra. Recognizing then, as we must, the lack of jurisdiction of the trial court in light of the sovereign immunity of the United States, the plenary legislative power of Congress over Indian affairs, and the discretionary authority delegated by Congress to those charged with carrying out statutory dictates relating to Indian affairs, we hold that the trial court did not err in dismissing the amended complaint."

CONCLUSION

In conclusion, it is my opinion that federal responsibility to Indian education can be defined in the first instance by the mandates of Congress, as reflected in its legislative enactments, and in particular by its annual appropriation acts; and in the second instance, by the manner in which those enactments are carried out by the federal agencies concerned. Based on the Intermountain School case, treaty provisions will not be ignored by the courts. On the contrary, they will be examined closely to determine the basic intent of the parties. However, in the event that subsequent Congressional legislation

is in conflict with a treaty provision, it appears the courts are inclined to give more weight to the subsequent legislation.

Finally, as to education programs presently being conducted by the Bureau of Indian Affairs, it is my opinion that the courts are not likely to interfere, so long as such programs are consistent with current Congressional enactments.

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3. Act of August 31, 1974; 88 Stat. 803

4. Act of April 16, 1934; 48 Stat. 596; 25 USC Secs. 452-456

5. Act of August 31, 1974; 88 Stat. 818

6. Act of March 3, 1819; 3 Stat. 516; 25 USC Sec. 271

7. Act of March 2, 1889; 25 Stat. 1003; 25 USC Sec. 272

8. Act of April 30, 1908; 35 Stat. 72; 25 USC Sec. 295

9. Act of February 15, 1929; 45 Stat. 1185; 25 USC Sec. 231; see also, Act of February 14, 1920; 41 Stat. 410; 25 USC Sec. 282

10. Act of May 25, 1918; 40 Stat. 564; 25 USC Sec. 297

11. Grant v. Michaels, 23 P.2d 266 (Mont. 1933)
Jones v. Elles, 8 Alaska 146 (1937)
Piper v. Big Pine School District, 193 Cal. 664; 226 P. 926 (1924)

12. Public Law 81-115 and Public Law 81-874. See also, those Acts cites in notes 3 and 4 above

13. Treaty of October 21, 1867, with Apaches, Kiowas, and Comanches (15 Stat. 589)

14. Treaty of May 6, 1828

15. National Indian Youth Council, et al. v. Bruce, 366 F.Supp. 313 (1973); 485 F.2d 97 (1973); Certiorari denied May 28, 1974, 417 U.S. 920

16. The trial court cited Dugan v. Rank, 372 U.S. 609 (1963); Land v. Dollar, 330 U.S. 731 (1947), and other cases

17. 25 CFR 2

18. The trial court noted that after 1871, Congress unilaterally changed its manner of dealing with tribes from treaty to statute

19. The trial court cited Whitney v. Robertson, 124 U.S. 190 (1888); and Baker v. Carr, 369 U.S. 186 (1962)

20. The trial court cited Kolovrat v. Oregon, 366 U.S. 187 (1961)

21. Act of March 17, 1949; 63 Stat. 14

22. 25 USC Sec. 286 (1963); 25 USC Sec. 278a (1963)

23. See note 15 above

BUDGET LINE ITEM NAME CHANGE

JUSTIFICATION

Using the Johnson-O'Malley contracting authority, the Bureau has provided financial assistance to public schools educating Indian children. Regulations governing this program are promulgated in 25 C.F.R., Part 33. However, with the passage of P.L. 93-638, new regulations will be published which will expand the population to be served under these contracts.

No longer will the program serve only public school enrollees, but it will benefit all who are recognized by the Secretary as being eligible for Bureau services.

Therefore, it is our request that the line-item, "Assistance to Public Schools," be changed to "Johnson-O'Malley Educational Assistance."

EDUCATION CONTRACTS UNDER THE JOHNSON-O'MALLEY ACT

Need for Increase:

No increase in funds is requested for financial assistance under this authority.

Situation and Need:

The Bureau of Indian Affairs is committed to the development and maintenance of quality education programs for Indian students within the Bureau's service population. These programs include assistance to public and tribally controlled and operated schools, and providing a school system for those children for whom no other program exists.

The Bureau, also, is committed to the policy of meaningful Indian self-determination which will permit Indian people to decide the direction of educational programs for their children.

To implement this policy, the Bureau will enter into contracts to provide educational programs for Indian children from early childhood through grade 12, who are 1/4 or more degree Indian blood, and are recognized as being eligible for Bureau educational services because of their status as Indians.

Program Goals:

The goals of this program are to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice and to achieve the measure of self-determination essential to their social and economic well being.

Program Description:

Contracts will be let to provide financial assistance to those program efforts designed to meet the specialized educational needs of eligible Indian students, including school operational support where such support is necessary to maintain established State educational standards and when such expenditures are approved by the local Indian Education Committee.

Funds for the support of contracts under this Part shall be apportioned among the States on a substantially equal basis, based upon the number of eligible Indian students for whom funds are sought with allowances being made for the actual cost of delivering educational services in each State. Contractors within each State will receive approximately the same amount for each eligible student to be served under the contract.

Contracts are supported by an educational plan developed cooperatively by the Bureau of Indian Affairs and the contractor.

The educational plan is a comprehensive document describing such things as:

(1) educational objections

(2) individual programs to be implemented

(3) State standards to be maintained

(4) procedures for administrative and fiscal management

(5) and many other pertinent requirements.

Schools receiving contracted funds, except those school districts which have a school board composed of a majority of Indians, shall have an established Indian Education Committee which shall participate fully in the planning, development, implementation, and evaluation of all contracted programs. However, contracted programs need not be conducted in the school or operated by the school. Approval and disapproval authority of all programs to be contracted is a primary responsibility of the Indian Education Committee.

Contracts may also provide assistance in financing the cost of education of children housed in Federal dormitories who attend out-of-district public schools peripheral to the reservation. A contract is negotiated with each such district for a specified number of Indian students. These funds are not supplemental in nature and amounts per pupil will vary depending upon the actual cost to the school district which provides the educational service. For those students who reside out-of-state the contract provides for the full per pupil cost of education. From the total budget request an amount not to exceed $750,000 will be made available for this special purpose.

Program Accomplishments:

One of the most significant accomplishments in the past few years has been the increased involvement of the local Indian parents and the educational committees in the planning and monitoring of the Johnson-O'Malley program.

There has been a great increase in the number of special supplemental educational programs for eligible students in public schools. There has been an increase in the number of individuals from the local communities, most

of them Indian, working in public schools as teacher-aides, home visitors, and counselors. They are available as cross-cultural contributors of behavior to teachers, children, and parents. They represent a way of incorporating Indian adults directly into the educational system and they provide a means by which Indian adults can become better informed concerning the education of their children.

New Regulations governing these contracts will be published in the Federal Register on November 4, 1975, as a result of P.L. 93-638. The highlights of these regulations include:

- The establishment of local Indian committees with full authority to approve or disapprove all contracted programs, not just supplemental.
- Strict guidelines governing eligibility for basic operational support payments.
- Extension of programs to early childhood through grade 12.
- Extended eligibility to all who are recognized by the Secretary as being eligible for Bureau services, not just public school enrollees.
- Eligibility for programs outside the public school system.
- Encouragement of Indian administered contracts.
- Equitable distribution of funds among and within States based on number of eligible students.

As the following chart will indicate the number of contracts has increased from 27 in 1972 to 114 in 1975. We believe this has moved the program closer to the people being served.

1972	1975
4 Tribal Contracts	34 Tribal Contracts
11 District Contracts	71 District Contracts
12 State Contracts	4 State-wide Contracts
	5 Partial State Contracts
27	114

History of Enrollments and Appropriations

FY	Enrollment	Appropriation
72	86,765	$22,652,000
73	93,767	24,352,000
74	99,718	25,352,000
75	115,225	→ 28,352,000
76 estimate	130,000	→ 27,952,000
77 estimate	150,000	→ 27,952,000

INDIAN EDUCATION COMMITTEE OPTIONS

FOR

EDUCATIONAL PROGRAMS FOR ELIGIBLE STUDENTS

Programs	Pre-School Enrollment	Public School Enrollment	TRIBALLY OPERATED			FEDERALLY OPERATED		
			Previously Private Enrollment	Bureau Contract Enrollment	Other School Enrollment	Day Enrollment	Boarding Enrollment	Border-Town Dormitory Enrollment
A. Supplemental Services	Yes	Yes	Yes	Yes	Yes	No	No	Yes
B. Operational Support	Yes	Yes 1/	Yes 3/	Yes 3/	Yes 3/	No	No	No
C. Full Per Capita Costs	No	No	No	No	No	No	No	Yes 2/
Number of Eligible Students	2,000	140,000	←	7,400	→	-0-	-0-	600

1/ if needed to meet State standards

2/ Out-of-State students only

3/ Should not be considered as the primary funding source for operational support

2 TYPES OF SCHOOLS

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2.1 Policy. It is the general policy of the Bureau of Indian Affairs to emphasize the attendance of elementary school-age children on a day-school basis in order to preserve for them, as long as possible, the shelter of a normal home, either with their own parents, or, where the child is separated from his own family, with selected foster parents. It is desirable for the family to recognize and assume financial and guidance responsibility for its children. Bureau officials should not encourage the enrollment of Indian children in boarding schools in instances where day schools are available and the child possesses a home, or can remain a member of a normal home through application of aid to dependent children or other forms of assistance.

2.2 Authority. In general, educational programs of the BIA are designated as elementary, secondary, post-secondary and adult. Included are programs for pre-school and kindergarten children as well as vocational-technical and junior college students. Programs may be operated on a day basis, as a residential (or boarding) school, or as a dormitory in conjunction with other school facilities. No school or learning center may grant certificates, diplomas or degrees or carry on any programs of instruction or residential care other than those which have been specifically authorized by the Central Office.

2.3 Federally-Operated Schools. To serve areas where much of the land is in Indian ownership or held by the Federal Government in trust for Indians and the major population is Indian, and to the extent that there are no available local public schools or tribally-operated schools, Federally-operated schools are maintained for Indian children. Enrollment in Bureau-operated schools is available to children of one-fourth or more degree of Indian blood who reside within the exterior boundaries of Indian reservations under the jurisdiction of the BIA, or on trust or restricted lands under the jurisdiction of the BIA, except where there are other appropriate public school facilities available to them. [25 USCA § 297 and 25 CFR 31.1(a)]

A. Community Schools. To the people served by a local community school, that school should be "our school." Such a community school approach will be characterized by the active participation of the local community members in the school. Not only will there be a school board which is actively providing policy direction and support, but parents and others will be involved in working with students and school staff. The school will be an institution which is in, and of, the community--not apart from and foreign to, the people and their lives. Its doors will be open for many hours beyond the regular school day, and it will serve a wide range of the educational and social needs of the community. In orienting its programs toward the needs of the community, it will develop

a curriculum which treats as strengths, and builds upon, the cultural and linguistic backgrounds of the students; it will recognize the interrelationship of the economic and environmental needs of the community and its members; and it will treat each student as a worthwhile human being with a unique contribution to make, even though others in society may label him or her as gifted or handicapped, desirable or delinquent.

B. Enrollment and Class Size. The Act of June 30, 1930, established the following provisions for the minimum enrollment required to maintain the operation of Federal Schools:

> . . . Provided further, that all reservation and non-reservation boarding schools with an average attendance in any year of less than forty-five and eighty pupils, respectively, shall be discontinued on or before the beginning of the ensuing fiscal year. The pupils in schools so discontinued shall be transferred first, if possible, to Indian day schools or State public schools; second, to adjacent reservation or non-reservation boarding schools, to the limit of the capacity of said schools: Provided further, that all day schools with an average attendance in any year of less than eight shall be discontinued on or before the beginning of the ensuing fiscal year. . . . (45 Stat. 1562, 1576).

Current appropriations and the requirements of different types of programs should govern the size of classes which are maintained. Care must be exercised to prevent either small classes from draining financial resources or large classes from impairing the learning situation.

C. Attendance Boundaries. It is the general policy to educate all students as close to their homes as possible. The policy shall apply to boarding schools as well as to day schools. Each Area Office is responsible for the development of suitable educational opportunities for students within its geographical jurisdiction and for the establishment of attendance boundaries which will implement this policy. No attendance boundary may extend beyond the geographical boundary of any one area office unless approved by the Commissioner. Students shall not be enrolled in schools outside of their attendance boundary unless no school exists within the attendance boundary having a program and space to meet the student's needs.

D. Boarding (Residential) Schools and Dormitories. To implement Bureau responsibility for developing an educational opportunity for those children of one-fourth or more degree of Indian blood who reside within

the exterior boundaries of Indian reservations under the jurisdiction of the BIA, or on trust or restricted lands under the jurisdiction of the BIA. Federal boarding schools (or boarding dormitories) are used to educate (a) those who have no other means of attending school, (b) those whose educational needs cannot be met by the schools available to them, and (c) those who require care away from their homes even though other schools may be available to them. Enrollment may also be available to children of one-fourth or more degree of Indian blood who reside near the reservation when a denial of such enrollment would have a direct effect upon Bureau programs within the reservation. [25 CFR 31.1(b)]

1. Policy. It is the general policy to avoid enrollment of small children where any other suitable plans can be made for them; to review and re-evaluate annually all elementary school enrollments; to retain in school for the full school year a child enrolled during the year unless his or other children's welfare is affected adversely by his remaining; and ordinarily to retain for the full high school four-year course a student enrolled in high school.

2. Eligibility for Admission. Applicants otherwise eligible, who meet one or more of the criteria listed below, may be admitted to Federal boarding (residential) schools having suitable programs:

a. Education criteria.

(1) Those for whom a public or Federal day school is not available. A school is considered available if it is not severely overcrowded, offers instruction at an appropriate grade level and is located, or served by a bus route, within walking distance of the student's home. Walking distance to a school or bus stop is defined as one mile for elementary pupils and 1-1/2 miles for high school, unless unusual circumstances of student health, terrain, or weather prevail.

(2) Those who need special vocational or preparatory training, not available to them locally, to prepare them for gainful employment.

(3) Those for whom the available school makes no adequate provision to meet the educational requirements of students with academic retardation, linguistic or cultural differences, or other specialized needs of individual students.

b. Social Criteria.

(1) Those who are rejected or neglected and for whom no suitable plans can be made other than the boarding school.

(2) Those who may have siblings or other close relatives enrolled in the boarding school and who would be adversely affected by separation.

(3) Those whose behavioral problems are too difficult for solution by their families, or through existing community resources, and who can benefit from the more structured environment of a boarding school without harming other children.

(4) Those whose health or proper care is jeopardized by the illness of other members of the household and for whom no more suitable arrangements can be made.

3. Admission Procedures. Form S-6221 (January 1971), Application for Admission to Boarding School, will be used throughout the Bureau for boarding school admissions, except where a locally developed alternative form has been approved by the Central Office. It will be necessary to give assistance to some parents or guardians in the preparation of the form, and it is expected that staff of the local agency will furnish this assistance as well as the liaison assistance necessary to obtain the medical examination when Federal facilities are within reach for this service. (There will be instances when the medical certificate cannot be obtained at the time the application is prepared. If there is no evidence of disease or other disability which would cause rejection of the application, admission will be approved and arrangements made to furnish the physical examination immediately when the child reports to the school.) Otherwise, forms shall be fully completed prior to admission.

a. Reservation Boarding Schools: Formal application signed by the person having responsibility for the child will be submitted to the agency superintendent or his representative.

Referral of the application for review as to completeness and initial evaluation will be made to agency Education personnel. If the need for attendance at a boarding school is solely education [Criteria (1), (2) and (3) under 62 BIAM 2.3D2a, above], Education will recommend approval or disapproval. If the need for attendance is for social reasons, the application will then be forwarded to Social Services for evaluation and recommendation. (Agencies having no appropriate local staff will refer these applications to the area.)

Final approval or rejection is the responsibility of the agency superintendent or his representative designated for this purpose. An approved application will be referred to the boarding school officials who will,

in turn, notify the parent or guardian of the acceptance, sending a copy of the notification to the agency. The application will be kept at the boarding school for information and annual re-evaluation (elementary children). In case of rejection, it is the responsibility of the superintendent to notify the parents or guardian and to retain the application in the agency files.

When inter-agency admissions are made to a reservation boarding school, the procedures of admission to a boarding school off the reservation are followed:

b. Off-Reservation Boarding Schools: Formal application signed by the person having responsibility of the child will be prepared in duplicate and submitted to the agency superintendent or his representative.

Referral of the application for review as to completeness and initial evaluation will be made to agency education personnel. If the need for attendance is solely educational [Criteria (1), (2) and (3) under 62 BIAM 2.3D2a, education will recommend approval or disapproval. If the need for attendance is for social reasons, the application will then be forwarded to Social Services for evaluating and recommendation. (Agencies which do not have appropriate local staff will refer these applications to the area,)

Applications recommended for approval are signed by the agency superintendent and forwarded to the area office. Applications rejected at the agency level are retained at the agency and the superintendent is responsible for notifying the parent or guardian.

Review and approval of the application will be made at the area level by personnel with Social Services review whenever appropriate. The approved application form, together with the applicant's school record, health record, and, in social cases where indicated, the case summary, is forwarded to the school. One copy of the application will be retained at the area or agency level.

The school will notify the parent and the agency of the acceptance of the child and indicate the reporting date. When space is not available, the school will promptly notify the parent and the agency and will return the application and other forms through the area office so that other plans can be made. When two areas are involved, correspondence and approval are channeled through both area offices.

4. Cooperative Relationships--Social Services and Education. Social Services personnel shall assist the school in securing any necessary social services for the child who is in need of them while he is

enrolled in school, and shall provide consultation with school staff for every child referred who is enrolled in the school.

If it is determined that the child should attend public school, Social Services personnel shall assist Education personnel in resolving problems connected with the rejection of the boarding school application and subsequent public school enrollment of the child.

In the case of a child eligible for an aid to dependent children grant, who is enrolled in boarding school, Social Services personnel will work with the county welfare department to see that, through case work services, proper provision is made for the child's clothing and incidentals from his grant and that the parent makes it available for him.

Social Services personnel shall be responsible for consultation with school staff in regard to all children from other agency jurisdictions and will share information about each child's home situation with the school in order that their understanding of the child will be increased.

Education will refer the following to Social Services:

--All new or renewed applications for enrollment in boarding school of children being admitted under Social Criteria (62 BIAM 2.3D2b).

--All children accepted for enrollment in boarding school who evidence some need for social services which cannot be met by the school through its normal program.

As directed by the Agency Superintendent or Area Director responsible for the school, the annual review and re-evaluation of elementary school children shall be made cooperatively by personnel from Education and Social Services who have knowledge of the conditions under which the children were enrolled initially.

2.4 Tribal Schools. Funding for the support of tribally-operated schools is available under the provisions of 20 BIAM. A distinction is made between contracts which provide for services (food, maintenance, etc.) to a Bureau-operated or public school, and contracts for the complete management and operation of a school outside of the public schools system of the State and, therefore, constituting a private school. The objectives which the contract, private school can meet are: (1) to permit the development of programs for Indian students which might not be possible within the context of the local public school, and (2) to enable the tribal group to gain experience in the management and decision-making requirements of school operation. Disadvantages of the contract private school include: (1) dependence on specific Federal funding and the inability to take advantage of all State and Federal resources, and

(2) withdrawal from the political processes affecting education within the States and counties. A tribal school is considered to be a Federal school for purposes of eligibility to receive funds from the US Office of Education under Public Law 93-380.

2.5 Public Schools. By virtue of their citizenship established by the Act of June 2, 1924, (43 Stat. 253) and the constitutional placement of the educational responsibility at the State level, Indian children and adults are entitled to admission to the public schools of the State within which they reside on the same basis as any other resident citizen. When public schools meet the challenge, they not only provide the opportunity for the Indian student to learn English and other skills which are useful in the non-Indian society, but they allow the members of all cultural groups to develop a concern for the dignity and rights of one another, a positive self-image and an ability to function successfully in the pluralistic society of the United States. Therefore, wherever public school opportunities may be made available within reasonable transporting distance of Indian homes, every effort shall be made to insure that the programs are suited to the needs of the Indian people and to encourage the enrollment of students in these schools.

Federal financial aid may be furnished when necessary in accordance with applicable statutes and regulations, including the provisions of Chapter 3 of this Part. Furthermore, whenever adequate arrangements can be worked out with local and/or State authorities to achieve the educational objectives of the Bureau and to safeguard the rights of Indian people, existing Federal school facilities (including lands, structures and equipment) may be transferred to public school administration. Whether the transfer of facilities is involved or not, the transfer of responsibility for the education of Indian students to public schools should be accomplished wherever such a transfer of responsibility can be accomplished to the mutual benefit of the Indian people, the State, and the Bureau.

2.6 Sectarian Schools. Boarding and day schools for Indian pupils are maintained by several religious denominations. Whether an Indian child attends a Federal, public, or a mission school is a matter to be determined by his parents; however, no form of Federal tuition may be paid for the education of Indian children in sectarian boarding or day schools. In instances where foster home care is justifiable, Federal payments for subsistence only of children in sectarian schools may be made. Payments consisting of a reimbursement of cost for transportation services, noon lunch, textbooks and supplies may be made on behalf of Indian children enrolled in sectarian day schools where there are no available public or Federal day schools in which these children could be enrolled.

2.7 Assumption of Federal Responsibility.

A. General. Whenever students are currently enrolled in, or eligible for, educational programs operated outside of the Federal system, it is the policy of the Bureau to support the continuation of these relationships. Although this policy recognizes the need for the Bureau to maintain an unimpaired effort on behalf of its existing service population before assuming additional responsibilities, the educational welfare of all Indian students is of prime importance. In most cases, the responsibility of the Bureau to students and their parents outside the present service population is to perform the role of advocate. This involves working with the Indian people, the private and public schools, and State Departments of Education so that the non-Federal educational programs will more adequately serve the students involved. Technical and financial assistance may be made available to assist in a process of identifying the underlying problems, assessing program needs, and working out solutions within the framework of the present school situation, where possible.

If a solution is not developed, the Bureau can consider operation, contracting, and construction needs for the school. In addition, the Commissioner may meet emergency situations by providing temporary assistance, as needed, to maintain a normal educational environment for seriously affected children.

B. Search for Alternative School Programs. After intensive efforts toward resolution have been made by the tribe, the public school officials and the BIA, there may still remain serious deficiencies in the ability of the local public school program to meet the educational needs of the Indian students. In such cases it shall be the policy of the BIA to assist in the development of alternative schools or school programs operated within the framework of the public school system. Such programs should be designed to supplement and support the regular school program to the fullest extent possible, rather than to isolate the student and impose barriers to his potential return to the regular programs at this and higher levels.

C. Removal of Students from Public School Responsibility. Unusual circumstances may, nevertheless, be present which would support the removal of students from a public school. When supported by a parental referendum and a full Tribal council resolution, the Bureau will consider the assumption of responsibility for the education of students attending public schools when one or more of the following criteria are met:

1. School Availability Criterion. No public or Federal schools exist within 25 miles one way or one hour's bus ride, whichever is less, or less than 1-1/2 miles walking distance (one mile for elementary) from the student's home to a bus route.

2. Health and Safety Hazard Criterion. Physical or geographical conditions are present which constitute a hazard or endanger the health and safety of students and no plans can be made to ameliorate such conditions.

D. Support for Tribal Contracting of Former Parochial or Private Schools. Some students are enrolled in parochial or private schools through parental choice. When they choose to enroll in a Bureau school, these students are subject to the usual Bureau school enrollment criteria.

When tribal groups are considering taking responsibility, through contracting with the Bureau, for the operation of a school which was formerly parochial or private, the number and home locations of the students will be determined as a basis for evaluating need and priority. The following criteria will apply:

1. School Availability Criterion. Based on current Bureau enrollment policies, there are neither public nor Bureau schools (day or boarding) available to the students most recently enrolled in the private school. (Availability determined as in 2.7C1 above.)

2. Educational Need Criterion. Mutual agreement cannot be reached between the Indian people served and the available public or Bureau schools that suitable programs will be provided to the children in need.

3. Facility Availability Criterion. The former parochial or private school contains suitable educational facilities to accommodate the planned program. Tribal requests for supplemental construction of private and parochical schools which they are proposing to take over will be evaluated on the basis of D1 and 2 above.

IAIA BECOMES A JUNIOR COLLEGE

It was reported recently that the Institute of American Indian Arts at Santa Fe, New Mexico is now officially a Junior College offering the two year Associate of Fine Arts Degree. After more than four years of planning and hard work, Mr. New, IAIA's Director, announced on Friday, April 4, 1975 that the Institute has a new, 1975 School Charter-Constitution which gives the school the authority to grant the AFA Junior College degree. The school will operate on the middle college concept with grades 11 and 12 of high school, and with the freshman and sophomore junior college grades.

WYOMING INDIAN HIGH SCHOOL PROGRESS REPORT

The Director of the contracted Wyoming Indian High School at Ethete, Wyoming reported that their goal to become accredited has finally been accomplished. On April 8, 1975 they became a member of the North Central Association. This will also allow them to be in state athletic play-offs. As for reorganization the school faced a set-back when the Wyoming Supreme Court over-turned the state's reorganization plan.

The report says that progress is being made in developing the curriculum. Graduation requirements are as demanding as those from other near-by high schools. Teachers are trying various approaches in the classroom to see what works best. This has been a "get acquainted" year for many of the staff since they are first year teachers. It is hoped that most classes will have curriculum guides next year.

Recently a workshop was held that involved all school personnel and students. It was centered around four topics; communication, teacher-aide planning, attendance and discipline, and individualized instruction. All that participated felt the workshop was helpful. Personnel from other schools attended as guests. The school board had a representative attend the national school board convention. It was an opportunity to see what was happening across the nation in our schools.

Some aides were sent to a curriculum development workshop recently to improve their skills in the area of communication. Also, the aides are taking classes from Central Wyoming College in educational theory.

GUIDELINES FOR TEACHING CONCEPTS OF FAIRNESS, JUSTICE AND DEMOCRACY IN BIA AND TRIBAL-CONTRACT SCHOOLS

The BIA is in the process of distributing to all schools and dormitories a new bulletin in law-related curricula. The bulletin should reach schools by the end of August, 1975. This bulletin is a product of a workshop that was held at the IERC in late June, which represents another step in the overall Student Rights and Responsibilities program. The Guidelines reflect the latest thinking in the field and is augmented by being designed to meet the needs of Indian children in BIA and tribal-contract schools. It has been designated as Curriculum Bulletin No. 18 and will be available generally in mid-September.

DISTRIBUTION FORMULA
FOR SUPPLEMENTAL EDUCATION PROGRAMS
UNDER THE JOHNSON-O'MALLEY ACT
1976

Funds for supplemental programs were apportioned among the states on a substantially equal basis based upon the number of eligible Indian students served in FY 1975 and a weighting factor.

The weighting factor is the quotient obtained by dividing every State's cost of delivering educational services by the lowest State's cost. The quotient thus obtained for each State is then multiplied by that State's reported number of students served in FY 1975. This product gives a weighted student count for each State.

The sum of all weighted students gives a Bureau-wide total weighted student count.

The total amount of funds available is then divided by the total of weighted students giving an allocation per weighted student.

This allocation is then multiplied by each State's number of weighted students to obtain a total State allocation.

There is one exception to the above. The Appropriation Act included an additional $3,000,000 to assure that no State would receive less in FY 1976 than it did in FY 1975. Thus, all States that would lose under the above distribution formula were not considered in the formula and were allotted their FY 1975 level of funding. This amounted to a total of $12,039,045.

The amount distributed under the formula was $12,962,655 for 112,718.73 weighted students or an allocation of $115/weighted student.

There is an undistributed balance in the amount of $130,000 earmarked for audits.

RECAP:

APPROPRIATED:	$27,952,000 3,000,000 $30,952,000	
		$30,952,000
ALLOCATION:		
Supplemental - Hold Harmless	$12,039,045	
- Formula	12,962,655	
		$25,001,700
Operational Support Contracts	$ 3,870,300	
		$ 3,870,300
Bordertown Dorm tuition (not to exceed)	$ 1,000,000	
		$ 1,000,000*
Audits	$ 130,000	
		$ 130,000*
Administrative Support (W.O.)	$ 950,000	
		$ 950,000
		$30,952,000

*Balances available in these categories will be distributed under the formula when these balances are known.

STATE	PER CAPITA EXPENDITURE	FACTOR	NO. OF STUDENTS SERVED	NO. OF WEIGHTED STUDENTS	FY 1975 SUPPLEMENTAL ALLOCATION
NEW YORK	1,689.00	2.83	2,400	6,792.00	120,000.00
ALASKA	1,685.00	2.83	14,879	42,107.57	5,684,000.00
MINNESOTA	1,185.00	1.99	3,467	6,899.33	890,000.00
MICHIGAN	1,146.00	1.92	711	1,365.12	111,000.00
OREGON	1,123.00	1.88	1,025	1,927.00	70,000.00
WYOMING	1,097.00	1.84	998	1,836.32	135,000.00
WISCONSIN	1,089.00	1.82	3,202	5,827.64	504,000.00
WASHINGTON	1,057.00	1.77	5,983	10,589.91	975,000.00
CALIFORNIA	1,006.00	1.68	2,450	4,116.00	380,000.00
CALIFORNIA (SACRAMENTO)			1,940	3,259.20	350,000.00
CALIFORNIA (PHOENIX)			510	856.80	30,000.00
IOWA	1,000.00	1.67	231	385.77	-0-
MONTANA	965.00	1.62	6,869	11,127.78	1,060,000.00
NEBRASKA	950.00	1.59	865	1,375.35	344,000.00
COLORADO	947.00	1.59	897	1,426.23	292,000.00
NEVADA	943.00	1.58	2,710	4,281.80	230,000.00
KANSAS	942.00	1.58	220	347.60	102,000.00
FLORIDA	877.00	1.47	245	360.15	10,000.00
ARIZONA	867.00	1.45	19,839	28,766.55	2,421,700.00
ARIZONA (NAVAJO)			13,016	18,873.20	1,813,358.00
ARIZONA (PHOENIX)			6,024	8,734.80	608,342.00
ARIZONA (PERIPH. - NAV.)			799	1,158.55	-0-
SOUTH DAKOTA	826.00	1.38	4,783	6,600.54	743,000.00
NEW MEXICO	823.00	1.38	23,192	32,004.96	3,847,500.00
NEW MEXICO (ABQ)			6,610	9,121.80	1,647,300.00
NEW MEXICO (NAVAJO)			16,299	22,492.62	2,200,000.00
NEW MEXICO (PERIPH.-NAV.)			283	390.54	-0-
NORTH DAKOTA	817.00	1.37	2,143	2,935.91	740,000.00
UTAH	772.00	1.29	1,948	2,512.92	272,545.00
UTAH (NAVAJO)			1,243	1,603.47	252,545.00
UTAH (PHOENIX)			520	670.80	20,000.00
UTAH (PERIPH. - NAV.)			185	238.65	-0-
OKLAHOMA	730.00	1.22	14,579	17,786.38	2,130,000.00
OKLAHOMA (ANADARKO)			4,057	4,949.54	543,000.00
OKLAHOMA (MUSKOGEE)			10,522	12,836.84	1,587,000.00
IDAHO	720.00	1.20	1,648	1,977.60	485,000.00
MISSISSIPPI	595.00	1.00	100	100.00	15,000.00
			115,384	193,450.43	21,561,745.00

Fiscal Year 1976
Supplemental Allocation

AREA	STATE	FORMULA ALLOCATION	HOLD HARMLESS	FORMULA DISTRIBUTION OF BALANCE	TOTAL ALLOCATION BY STATE	TOTAL ALLOCATION BY AREA
EASTERN						$ 837,497
	New York	$ 774,288	-0-	$ 6,792	$ 781,080	
	Florida	41,057	-0-	360	41,417	
	Mississippi	11,400	$ 3,600	-0-	15,000	
JUNEAU						
	Alaska	4,800,263	883,737	-0-	5,684,000	5,684,000
MINNEAPOLIS						1,761,532
	Minnesota	786,523	103,477	-0-	890,000	
	Michigan	155,624	-0-	1,365	156,989	
	Wisconsin	664,351	-0-	5,828	670,179	
	Iowa	43,978	-0-	386	44,364	
PORTLAND						1,924,445
	Oregon	219,678	-0-	1,927	221,605	
	Washington	1,207,250	-0-	10,590	1,217,840	
	Idaho	225,446	259,554	-0-	485,000	
BILLINGS						1,490,872
	Wyoming	209,340	-0-	1,837	211,177	
	Montana	1,268,567	-0-	11,128	1,279,695	
SACRAMENTO						374,808
	California	371,549	-0-	3,259	374,808	
ABERDEEN						1,843,062
	Nebraska	156,790	187,210	-0-	344,000	
	South Dakota	752,462	-0-	6,600	759,062	
	North Dakota	334,694	405,306	-0-	740,000	
PHOENIX						1,672,583
	California	97,675	-0-	857	98,532	
	Nevada	488,125	-0-	4,282	492,407	
	Arizona	995,767	-0-	8,735	1,004,502	
	Utah	76,471	-0-	671	77,142	
ALBUQUERQUE						1,939,500
	Colorado	162,590	129,410	-0-	292,000	
	New Mexico	1,039,885	607,615	-0-	1,647,500	
MUSKOGEE						1,587,000
	Oklahoma	1,463,400	123,600	-0-	1,587,000	
ANADARKO						671,197
	Oklahoma	564,248	-0-	4,949	569,197	
	Kansas	39,626	62,374	-0-	102,000	

AREA	STATE	FORMULA ALLOCATION	HOLD HARMLESS	FORMULA DISTRIBUTION OF BALANCE	TOTAL ALLOCATION BY STATE	TOTAL ALLOCATION BY AREA
NAVAJO						5,215,204
	Arizona	2,151,545	-0-	18,873	2,170,418	
	Arizona (Per. Dorm)	132,075	-0-	1,158	133,233	
	New Mexico	2,564,159	-0-	22,492	2,586,651	
	NM (Per. Dorm)	44,522	-0-	390	44,912	
	Utah	182,796	69,749	-0-	252,545	
	Utah (Per. Dorm)	27,206	-0-	239	27,445	
	TOTALS	$22,053,350	$2,835,632	$112,718	$25,001,700	$25,001,700

YOUNG NATIVE AMERICAN CHILDREN AND THEIR FAMILIES: EDUCATIONAL NEEDS ASSESSMENT AND PROGRAM RECOMMENDATIONS

Interim Report

Research Division
Bank Street College of Education
610 West 112th Street
New York, N. Y. 10025

72

The first progress report (May 31) described the launching of the project, the assembling of project staff, the selection of Advisory Committee members and the first meeting of that committee. The second report (July 15) covered the period during which the data gathering instruments were developed, planning and organization of field work were completed, and actual field work was begun. The present report consists of an account of the data gathering process, which has constituted the major activity in the past three months, and will include a description of the data gathering method, of where the data have been gathered, and of how they are brought to a first-level refinement.

Two Phases of Field Work

It had been assumed that the schools would be an immediate focus of the field work, together with the other institutions pertinent to the contract tasks (e.g. health). However, the postponement of the beginning of the project from mid-February to mid-April meant that early in the second month of the project--towards the end of May--schools were already beginning to close. It was evident that the regular school year would end at the very moment that instrument development and field work planning were completed. It was decided, therefore, to use the three months of mid-June to mid-September to focus on gathering information relevant to those project tasks which did not involve schools directly but which tapped other important influences bearing on the growth, development and education of young Native American children. Schools would be studied in the fall when they reopened.

Thus the first phase of the field work has consisted primarily of interviews with parents and grandparents, tribal leaders and officials, BIA officials, and health and social service professionals. One or two educational programs were operating on a reduced summer schedule or were engaged in summer recreation or remedial programs. If teachers, aides or school administrators were available and scheduling permitted, they were interviewed during this first phase. However,

classroom observations were possible only towards the end of this data gathering phase when schools had reopened. Some classroom observations were therefore undertaken on the Navajo reservation which has been the last area to be visited.

The second phase of the field work, in the fall, will consist almost entirely of interviews with educational program personnel and classroom visits.

Although force of circumstance prompted this sequence of data gathering in two phases rather than one, it turned out to have several advantages: the study of school programs will be enhanced because it will be based on a first hand knowledge of some of the major forces bearing on the lives of Native American children. Furthermore we will better be able to take into account variations in community needs and concerns and their relevance to the education programs. The educational programs will thus be studied not as isolated institutions but in the context of immediate and larger communities which vary one from the other but which contain institutions and forces which exert a dynamic and interrelated influence on the lives of Native American children.

Data Gathering Method

Each reservation was visited by a field team of between two and four staff members. One of these was always a staff member of Bank Street College of Education and at least one other (and usually all other team members) was Native American.

After contact and interviews with BIA area officials, BIA agency personnel were notified ahead of time of the impending arrival of the field team. Tribal Chairmen and Governors or other tribal representatives were contacted directly or through the Bureau and approval obtained for the visit of the field team. Upon the arrival of the team, team members were often asked to make a presentation of the project. The audience for this presentation usually consisted of people whose interests or professions were serving children directly or indirectly--education and health and social service professionals, tribal officials, community

leaders, members of school boards, interested parents, etc. The nature and purpose of the project were explained and the group was told how long the team would be staying. It was emphasized that the team was there to learn and listen and not to impose its own ideas. Questions were invited. Team members were sensitive to the widespread skepticism with which needs assessments were regarded by Indian and Eskimo people since there had been so many assessments and so few resulting benefits. (In their own words, they had been "assessed to death.")

At the end of this first general meeting, team members arranged to meet individually with interviewees. The first round of interviews led to others.

The overall method of operation, then, was to use a team approach to tap, in a matter of days, a variety of information sources. This provided a holistic picture of child services and conditions of life in a given community and a vivid account of perceived needs relating to the physical, emotional, social and intellectual development of children at home and school. Problems and accomplishments were identified. Areas where information was sought included direct and preventive health care, social problems, parent attitudes towards their children's health and education, their aspirations for their children, parent education, economic conditions, how reservation topography and physical conditions affected life from day to day, and the coordination among the various agencies and institutions serving young children and their families. In addition to lay persons, interviewees included professionals and paraprofessionals working for the Bureau and other federal agencies (e.g. Public Health and Indian Health Services), and state, church, and tribal organizations.

The major instrument for obtaining these data was an openended interview (see samples submitted with previous progress report). While certain content categories were covered whenever possible (e.g. for parents, attitudes to school), how the relevant questions were worded and when they were asked was left to the discretion of the interviewer (though guides were always provided). This format

enabled us to adapt questions to different communities and individuals while preserving common themes. It also enabled us to gear our questions to the responses, rather than to a preordained and rigid format and sequence. Group interviews, held occasionally, were generally avoided because they often elicited poorer data, tending to favor opions from those who were willing to respond while leaving out those who might not wish to voice opposing opinions in a group or who were shy in the group situation.

In general, people were very willing to respond to our questions. While we believe that, in part, this was due to the format we used (that is, avoiding the precoded closed-question technique), in large measure our ability to reach so many Indian and Eskimo people was because of our collaboration with the Native American group from Haskell Indian Junior College. Without their participation in the project--planning and preparing for the data gathering and as members of the field teams--we would never have gained access to as many Native Americans as we did at both official and grass roots levels.

Unless we were specifically asked not to take notes (which happened in only one or two interviews) interview data were recorded in writing during the interview, as close to verbatim as possible. At the end of the field visit, a roster of topics was culled from each interview which constituted the essentials of the responses in each case. Several hundred topics were often recorded for a given community or reservation. The topics were then further refined and a tentative list of issues was drawn up on the basis of frequency or salience in terms of project tasks.

The tabulation below details the reservations and pueblos which have been visited during the first phase of data gathering. The number of people interviewed is also presented though, as can be seen, this count is, in some cases, incomplete.

Considerations in Data Analysis

As may be inferred from our above-described procedures, we have not taken

Field Locations in Phase I of Data Gathering and Number of Persons Interviewed

BIA Area	Dates	Reservation	No. Persons Interviewed Nat. Amer†	Other*	Total
Aberdeen	7/7-18	Standing Rock	14	10	24
		Fort Totten	9	9	18
		Cheyenne River			16
		Turtle Mountain	17	11	28
Alaska	6/25-7/18	Kotzebue			15
		Bethel & Villages			69
		Anchorage/Fairbanks/ Juneau/Nome			
Albuquerque	6/15-27	Acoma			33
		Isleta	16	3	19
		Santo Domingo			16
		Mescalero	21	9	30
		Jicarillo	13	5	18
		Zuni	13	6	19
Eastern	7/21-25	Cherokee			20
		Seminole			16
		Mikkosukee			
		Choctaw			19
Phoenix	7/28-8/8	Hopi	12	13	25
		Salt River	20	10	30
		Gila River	14	13	27
		White Mountain			36
		Papago	51	26	77
Navajo	8/11-22	Ft. Defiance	44	19	63
		Tuba City			38
	9/8-23	Chinle	29	12	41
		Shiprock			
		Crownpoint			
			—	—	697**

* the absence of an entry in these columns indicate that the Native American/Other breakdown has not been completed.

** this is a minimal count - returns of interviews completed have not all been processed.

the traditional route of selecting a handful of variables in advance and subjecting them to controlled study. Nor have we limited ourselves to the collection of quantitative data with the belief that the problems we are confronting can be solved by precise measurement. Instead, the bulk of our effort has been to attempt to achieve a comprehensive assessment of the quality of life for children in each Native American community we have visited. We strive to learn how Native Americans and others working in the Native American community view the environment in which they live, to delineate the interacting forces which shape the course of children's development in each community, and to identify problems, issues, and gains relating to early childhood education.

Because our goal is to recommend and develop educational programs for young children, and we define educational intervention broadly in terms of long term goals of human development rather than in terms of the production of specific academic skills only, it is essential that this needs assessment be comprehensive. A study which focuses on one variable and ignores its functional relationship to the mass of other forces at work, or a program which is exclusively concerned with achieving one objective and ignores the interrelatedness of other objectives runs the risk of describing surface characteristics and dealing with symptoms rather than causes. We are less concerned with documenting specific aspects of a complex state of affairs--multiple sources of documentation already exist--than we are in identifying viable and fruitful methods of educational intervention.

These, then, are some of the principles which will guide the data analysis. In considering the raw data at a first level, each individual expressed a configuration of values and goals relating to children. There are contradictions in this material within individuals and between individuals in the same community. But there are also common themes within and across communities. We will describe and order these differences and consistencies and consider how they relate to similarities and variations in cultural patterns, economics, climate, and other

interrelated factors. Thus our efforts in data analysis, as well as in making program recommendations will be not to level the variation in the interest of emphasizing the commonalities, but to provide a set of viable and attractive options in early childhood education programs which are congruent with and preserve these varying perspectives.

Future Work

Upon completion of the first round of field work during September, we will begin the second and final phase of field work and begin simultaneously to analyze the data already collected. Program recommendations will be based upon the results of the data analysis.

The second phase of data collection will focus on educational programs for preschool as well as school-aged children. In each area, we will select at least one community whose educational programs will be subjected to comprehensive study. Classrooms will be observed, facilities inspected, and teachers, aides and principals interviewed. Parent Child Development Centers at Acoma and Choctaw will be studied more intensively.

Status on Annual School Census Forms

1. Alice Hildebrand stated that as far as she knows, the census information is "required for the budget". She also stated that the Anadarko and Muskogee Area Offices have requested in past years to not be required to submit the annual school census report. Bernice Crow had informed the Areas that the report was needed.

2. I have been unable to contact Ed Marich concerning use of the school census information. However, a reading of the budget estimates indicates that the information was not used in preparing the document. I do not remember having used it in the past.

3. School Facilities has used the census information in the past for planning. The recognize the uncertain quality of the figures and use them only when nothing else is available.

Conclusion: It appears that from a C. O. point of view the only use of the School Census Information is in the annual statistics pamphlet. Within the past year, a program analyst graphed the school census information for the past ten years. It was impossible for him to do any trend analysis because the statistics were so erratic.

Alternatives:

1. Eliminate the Annual School Census Report and develop statistics using those requested in the P.P.E. outputs. (See attachment)

2. Utilize Office of Education reports to develop statistics on Indian children in public schools.

3. Use 1970 census data to project statistical patterns.

It would be an Area's decision if the school would continue to use the school census card. If so, they would have to comply with the Privacy Act with regard to this file. It would probably be more trouble than it is worth.

IN REPLY REFER TO:

Education

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PORTLAND AREA OFFICE
POST OFFICE BOX 3785
PORTLAND, OREGON 97208

10/2/75

SEP 8 1975

Memorandum

To: Commissioner of Indian Affairs
Attention: Director, Office of Indian Education Programs

From: Office of the Area Director

Subject: Annual School Census Report

It is becomming more and more difficult to complete the annual school census report with any degree of validity. The attached memorandum from the Western Washington Agency illustrates the problem.

Can the annual school census report requirement be abolished?

Assistant Area Director

Enclosure

cc: Administrator, IERC, Albuquerque, NM

BUREAU OF INDIAN AFFAIRS
RECEIVED
SEP 12 1975
ALBUQUERQUE
INDIAN EDUCATION RESOURCES CENTER

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

IN REPLY REFER TO
Education
Annual Census Report

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Western Washington Agency
3006 Colby Avenue, Federal Building
Everett, Washington 98201

Ltr 4.8.75

SEP 2 1975

Memorandum

BUREAU OF INDIAN AFFAIRS RECEIVED SEP 03 1975 PORTLAND

To: Area Director, Portland Area
Attn: Education

From: Superintendent, Western Washington Agency

Subject: School Census Report

Attached is the FY 1975 School Census of Indian Children Report which we are annually required to submit to your office. The report represents the best information available based upon information supplied from schools and our knowledge of the reservations.

We suggest that this report requirement be abolished. With the passage of the Civil Rights legislation on a national scale, the report can no longer be made and submitted as an accurate record of Indian student population within the jurisdiction of this agency. Since schools cannot, by law, ask a student his race or national origin, some schools have absolutely refused to make a report. Nearly all others are submitting information based on a "visual check" by teachers. As a result, many students are included who should not be while an equal number are left off because they don't "look like Indians". Incomplete information submitted on the survey form makes it impossible to accurately count students.

Indian students from other tribes across the country are often left out because they do not fit categories. Yet they are American Indian students attending public schools. Recent court decisions on invasion of privacy add to the confusion.

When the amount of man-hours required to produce this report is compared with the accuracy of the final report due to the uncontrollable factors involved, we seriously question the validity.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

We suggest needs the above report meets, could possibly be met through the Annual Labor Force Report and the National Census.

A review of the necessity for this report in light of new laws and program change since its inception is deemed appropriate. We highly recommend this subject be discussed at the Annual Portland Area Office Education Conference.

Your consideration in this matter is appreciated.

Superintendent

Enclosure

STUDENT RECORDS AND INFORMATION GUIDELINES

36.1 Applicability:

This part applies to all educational institutions under the jurisdiction of the Bureau of Indian Affairs whether operated under contract or otherwise.

**(Note: Explain authority of Commissioner in supporting document 25 U.S.C. Sec. 295, Act April 30, 1908, 35 Statute 72.)*

36.2 Definitions:

"Commissioner" means the Commissioner of Indian Affairs.

"Student records" (a) mean those records, files, documents, and other materials which: (1) contain information directly related to a student; and (2) are maintained by an educational agency or institution, or by a person acting for such agency or institution. (b) The term does not include: (1) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute; (2) if the personnel of a law enforcement unit do not have access to education records, the records and documents of such law enforcement unit which are kept apart from records described in (a), are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction. (3) In the case of persons who are employed in an educational agency or institution but who are not in attendance at such agency or institution. Records made and maintained in the normal course of

business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or (4) records on a student which are created or maintained by a physician, psychiatrist, psychologist, or other recognized professional or para-professional acting in his professional or para-professional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

"Educational institution" means any institution operated under the jurisdiction of the Bureau of Indian Affairs either directly or by contract including but not limited to schools, residential, periferal, or bordertown dormitories from which Indian students attend public schools.

36.3 Student Rights:

(a) For the purposes of this part, whenever a student has attained eighteen years of age, or is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to the parents of the student shall thereafter only be required of and accorded to the student.

(b) Section 36.3(a) above shall not be read to preclude educational institutions from affording to students' rights similar to those afforded to parents of students under that section.

36.4 Annual Notification of Rights:

(a) Each educational institution to which this part applies and which maintains records on students, shall inform parents and eligible students of the rights accorded them by this part. (20 U.S.C. 1232g(e))

(b) In meeting the requirement set forth in paragraph (a) of this section, the educational institution shall provide notice to parents and eligible students, at least annually, of the following: (1) the types of education records and information contained therein which are directly related to students and maintained by the institution; (2) the name and position of the official responsible for the maintenance of each type of record, the persons who have access to those records, and the purposes for which they have access; (3) the policies of the institution for reviewing and expunging those records; (4) the procedures established by the institution under § 36.5; (5) the procedures including those set forth in subpart C of this part for challenging the content of education records; (6) the cost if any which will be charged to the parent or eligible student for reproducing copies of records under § 36.5; (7) the categories of information which the institution has designated as directory information.

(8) the other rights and requirements set forth in this part.

36.5 Access to Records:

Educational agencies or institutions shall provide parents of students or eligible students who are or have been in attendance at a school of such agency or at such institution, as the case may be, access to the student records of the students, except as set out in § 36.6.

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36.6 Limitations on Access:

Educational institutions are not required to make available to students the following materials: (a) Financial records of the parents of the student or any information contained therein; (b) Confidential letters and statements of recommendation, which were placed in the education records prior to January 1, 1975, if such letters or statements are not used for purposes other than those for which they were specifically intended; (c) Those records which have been specifically excepted from the definition of "student records" as stated in Sec. 36.2 above.

36.7 Access rights:

The right of access specified in § 36.5 shall include: (a) The right to be provided a list of the types of education records which are maintained by the institution and are directly related to students; (b) The right to inspect and review the content of those records; (c) The right to obtain copies of those records, which may be at the expense of the parent or the eligible student but not to exceed the actual cost to the educational institution of reproducing such copies; (d) The right to a response from the institution to reasonable requests for explanations and interpretations of those records; (e) The right to an opportunity for a hearing to challenge the content of records; and (f) if any material or document in the education record of a student includes information on more than one student, the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such materials.

36.8 Destruction of Records:

Educational institutions are not precluded under this part from destroying any records, if not otherwise precluded by law, except that access shall be granted under § 36.5 prior to the destruction of education records where the parent or eligible student has requested such access. Only such records which are no longer relevant or necessary may be destroyed.

36.9 Procedures for Granting Access:

Each educational institution shall establish appropriate procedures for the granting of a request by parents for access to the education records of their children or by eligible students for access to their own education records within a reasonable period of time, but in no case shall access be withheld more than forty-five days after the request has been made.

36.10 Right to Challenge:

Each educational agency and institution shall provide parents of students and eligible students, who are or have been in attendance at a school of such agency or at such institution an opportunity to challenge the content of such students' education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein and to insert into such records a written explanation of the parents and eligible students respecting the content of such records.

36.11 Informal Proceedings:

Educational institutions may attempt to settle a dispute with the parent of a student or the eligible student regarding the content of the student's education records through informal meetings and discussions with the parent or eligible student.

36.12 Right to a Hearing:

Upon the request of either party the educational institution or the parent or eligible student, the hearing shall be conducted under the procedures adopted and published by the institution under Such procedures shall include at least the following elements: (a) The hearing shall be conducted and decided within a reasonable period of time following the request for the hearing and shall be informal. (b) The hearing shall be conducted, and the decision rendered, by an institutional official or other party who does not have a direct interest in the outcome of the hearing; (c) The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under 36.10 and a verbatim record of proceedings will not be necessary. (d) Within a reasonable period of time after the conclusion of the hearing the hearing official shall make his recommendation in writing to the head of the educational institution. Within 20 days after receipt of the recommendation, the head of the institution shall issue his decision in writing to the parent or eligible student.

36.13 Right of Appeal:

If any parent or eligible student is adversely affected by the decision of the head of the institution, such party shall have appeal rights as set forth by 25 CFR Part 2. With the exception that no official decision shall be issued more than 30 days from receipt of appeals.

Dr. Noah Allen, Acting Director, Indian Education Programs, Washington, D. C. offered the following suggestions and/or recommendations to the participants of this conference. They were:

1. Educators should take advantage of every opportunity to share in the successes for Indian youth.

2. Educators cannot and must not shirk their responsibilities simply because the job is tough.

3. Educators must think in terms of solving their own internal problems.

4. The Assistant Area Directors should consider conducting meetings similar to the Chief Area Education Officers' Conference for school superintendents, counselors, within their respective areas.

5. Funding problems can be improved within the Bureau of Indian Affairs through Congressional pressure.

6. All problems can be solved--nothing is impossible.

7. A team spirit within the Bureau of Indian Affairs must be developed and maintained in spite of the system in which we try to operate.

8. Funds must be available to the people who need the money--when they need the money. We must find a more equitable method to distribute funds, as well as, distribute permanent job positions.

9. Eductors must find a way to promote job opportunities for Indian people.

10. Non-educators make decisions in education--in fact--non-educators run education.....

SUGGESTIONS AND/OR RECOMMENDATIONS

1. Mr. Abe Zuni and the U. S. Civil Service Commission represenatives should be invited to the next Chief Area Education Officers Quarterly Conference.

2. The Assistant Area Directors request a 2 hour block of time at the next conference for a closed door "rap session".

3. One Assistant Area Director should be on the Policy Planning Commission. Ms. Louise Miller, Sacramento Area Office, was nominated for this position.

4. All Assistant Area Directors should meet with the Area Director before the next meeting with the Policy Planning Commission is conducted.

5. The quarterly conferences of the Chief Area Education Officers should be reorganized in order to meet the needs of the Assistant Area Directors.

6. ORBS should be designated as Residential Area Boarding Schools. This resolution was passed by an unaminous vote of all Assistant Area Directors.

7. There should be an interchange of thinking and philosophy between the Deputy Commissioner and the Assistant Area Directors.

8. Each Assistant Area Director should be contacted by telephone to review the quarterly report before the report is submitted for final typing and printing.

9. Male/Female quotas in management should be analyzed and forwarded to the Commissioner of Indian Affairs for final approval.

10. Are religious issues concerning admission to Boarding Schools legal?

11. The next quarterly conference of the Chief Area Education Officers will be held the last two weeks in January 1976 at Ft. Lauderdale, Fla.